



COLORADO

GENERAL ASSEMBLY

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**Task Force on
Family Issues**

November 1992

RECOMMENDATIONS FOR 1993

TASK FORCE ON FAMILY ISSUES

**Report to the
Colorado General Assembly**

**Research Publication No. 374
November 1992**

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ROOM 029 STATE CAPITOL
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(303) 866-3521

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November 13, 1992

To Members of the Fifty-Ninth Colorado General Assembly:

Submitted herewith is the final report for the Task Force on Family Issues. The task force was created pursuant to section 26-7-7.6-101, C.R.S., (Senate Bill 16, 1991 session). The task force was charged with studying numerous issues affecting children and families and was asked to develop recommendations for legislation and executive responses which would improve and strengthen families in Colorado.

At its meeting on October 15, the Legislative Council reviewed this report. A motion to forward the report and recommendations of the Family Issues Task Force was also approved.

Respectfully submitted,

/s/ Senator Ted Strickland
Chairman
Colorado Legislative Council

TLS/eg



TASK FORCE ON FAMILY ISSUES

October 1, 1992

To Whom It May Concern:

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I would like to take this opportunity to thank the persons who made the activities and accomplishments of the task force possible. The Task Force on Family Issues was established pursuant to Senate Bill 91-16 and was charged with studying ways to improve services provided to families and children by the courts and by state agencies. The task force established eight subcommittees to ensure that the numerous and often complex charges received careful consideration.

The task force convened 15 meetings, during which we heard testimony from local and national experts on issues pertaining to families and children. In addition, the task force held public hearings in Alamosa, Burlington, Grand Junction, Greeley, Littleton, and Pueblo. The eight task force subcommittees held over 40 meetings in total. Based on these deliberations, the task force is proposing 13 bills and 5 resolutions.

I would like to commend the members of the task force, who faithfully attended meetings and expended considerable effort in the tasks set before us. Many of the task force members travelled from great distances to attend meetings, often without compensation. I believe that in the future, the General Assembly should not ask our citizens to volunteer their services to the state without at least providing reimbursement for travel expenses.

Public input played a significant role in assisting the task force to develop policy recommendations. The public hearings held by the task force were made possible, in part, by assistance from the Kempe Center; Piton Trust; and the County Commissioners of Cheyenne, Kiowa, Kit Carson, and Yuma Counties. We also benefitted from the expert testimony provided by the following persons:

Don Bross, Kempe Center

Gene Cosby, Colorado School Superintendent of Widefield School District 3

Lawrence Daley, Daley Consulting and Investigations in Seattle, Washington

James Downey, citizen concerned about grandparents' rights

Bert Furmansky, psychiatrist and chairman of the Foster Care Improvement Revisions Committee

Dan Hall, Colorado State Court Administrator's Office

Sally Holloway and Joyce Jennings, Children's Trust Fund

Dr. Chloe Madanes, Family Therapy Institute, Washington, D.C.

First Lady Bea Romer and Donna Chitwood, Governor's Office - Colorado Commission on Families and Children

Ted Rubin, Institute for Court Management, National Center for State Courts

Patricia Schene, American Association for the Protection of Children, American Humane Association

Ken Seeley, Piton Foundation

Shelley Smith and Karen Edwards, National Conference of State Legislatures

Paul D. Steele, Ph.D. and Robert M. Aurbach, Youth Resource and Analysis Center, Albuquerque, NM

Dottie Threlkeld, Mark Suprenand, and Melinda Zschocke, Jefferson County Department of Social Services

Richard Wexler, author of "Wounded Innocents: The Real Victims of the War Against Child Abuse"

Lesley Wimberly, Victims of Child Abuse Laws (VOCAL) of California

I would also like to express my thanks to Mile High United Way for providing funding for an aide, who assisted me with some of my duties as the task force chairman. In addition, we are grateful to the Library of the Blind, the National Conference of State Legislatures, and the Colorado Trust for providing venues for task force meetings.

I am very proud of the work of the task force, which benefitted from a membership consisting of citizens, state legislators, and state department representatives. I recommend that this task force be used as a model for other groups charged with developing policy recommendations for the General Assembly.

Sincerely yours,



Senator Bonnie Allison
Family Issues Task Force Chairman

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TASK FORCE ON FAMILY ISSUES

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Chairman

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Youlon D. Savage

Dennis S. Schwartz

Charles Shannon

Merril Stern

David Thomas

Barbara Uhland

Chriss Youngquist

Shari Shink, Ex Officio

Legislative Council Staff

Clyda Stafford
Research Associate II

Lorraine Dixon-Jones
Senior Research Assistant

Office of Legislative Legal Services

David A. Bergin
Senior Staff Attorney

Debbie Haskins
Administrative Senior Attorney

Pat Rosales-Kroll
Staff Attorney

Dorothy Dodick
Staff Attorney

TASK FORCE ON FAMILY ISSUES

Background

Task Force Charges

During the 1991 legislative session the General Assembly enacted Senate Bill 16 establishing the Family Issues Task Force. The task force was charged with developing recommendations for improving various state services to families and children, and developing legislative proposals to implement these recommendations.

In addition, the task force was required to report to the General Assembly concerning the implementation of recommendations made by the Policy Academy on Children and Families, and the Colorado Commission on Families and Children, established by executive order on October 4, 1990.

Task Force Organization

The enabling legislation created a task force of 20 members consisting of six legislators; six members of the public who are knowledgeable in issues pertaining to families and children; directors or their designees of the Departments of Health, Higher Education, Institutions, Law, Public Safety, Social Services, and the Commissioner of Education; and one member appointed by the Chief Justice of the Colorado Supreme Court. Additionally, the chairman of the task force appointed an ex-officio member, for a total of 21 members.

Faced with numerous charges, the task force established eight subcommittees which served as working groups to examine issues in depth and to report recommendations to the task force. The membership of the subcommittees included citizens and, in some cases, legislators. The subcommittee chairpersons and the members are listed in Appendix A.

Task Force Accomplishments

The subcommittees convened over 40 meetings to develop their recommendations. The task force held 21 meetings, including public hearings in Alamosa, Burlington, Grand Junction, Greeley, Littleton, and Pueblo. During these meetings, the task force heard from concerned citizens, heard expert testimony on issues ranging from treatment

of abusers to the ramifications of creating a family court, and reviewed the recommendations from the eight subcommittees.

In addition, the task force reviewed the implementation of recommendations made by the Family Policy Academy, a group established by the Governor, and the Colorado Commission on Families and Children. The policy academy, a group that consisted of state government officials and citizens, devised a strategic plan for reforming executive branch policy concerning families and children. The plan called for: 1) the creation of a Commission on Families and Children to act as an advisory board to the Governor, 2) the restructuring of services provided to families to make them outcome-driven, and 3) the provision of coordinated services to families in their communities.

The task force heard numerous progress reports on the implementation of the strategic plan from a representative of the Governor's Office. The task force also conducted a joint meeting with the commission attended by First Lady Bea Romer, a co-chairman of the commission. On June 16, the task force endorsed the report prepared by the commission entitled "Strategic Plan for Colorado's Children: A Preliminary Report on Phase II -- Building Capacity for Systems Change" dated May 1992. A copy of the report was provided to the members of the General Assembly. (The transmittal letter for this report is included in Appendix B.)

Task Force Recommendations

Seven of the eight subcommittees met from September 1991 until July 1992, at which time each subcommittee submitted a final report to the task force. Subcommittee 8 met until October 1992 and submitted its final report in October. The task force adopted the recommendations of the eight subcommittees, with amendments. These amended recommendations became the basis for the legislation endorsed by the task force. This legislation is attached.

The responsibilities of each subcommittee, and the task force recommendations resulting from the subcommittee findings, are outlined below in three sections: subcommittee charges, subcommittee findings, and task force recommendations and legislation.

Subcommittee 1: Common Standards - Child Protection System

Subcommittee charges. Subcommittee 1 was directed to study:

- the establishment of common standards to be used by county departments of social services for child abuse screening, investigations, training of workers, notification to affected parties of such parties' rights and other relevant factors regarding the child protection system; and
- the need for requiring a college and university degree program in social work to include field practice for those working in the area of child and family issues.

Subcommittee findings. The subcommittee identified two ways in which the lack of common standards seriously hampers the delivery of effective child protective services in Colorado. First, initial screening and child abuse investigations are not always conducted competently because the state does not have adequate standards for these functions. Remedying the problem will require hiring better prepared workers, providing better in-service training, and implementing a process for evaluating the performance of these workers. Second, overlapping responsibilities of helping professionals (i.e., social service workers, law enforcement officers, etc.) creates a confusing maze for both the professionals and the affected families. Remedying this problem will require greater coordination among public agencies including: working with the same client, prioritizing levels of abuse, and implementing a grievance process for affected families.

While the subcommittee identified the need for developing uniform standards for selecting, training, and evaluating the performance of child protection workers, the group did not believe that the most significant problems rest with current law. The subcommittee found that existing laws were not being implemented effectively at both state and county levels due to inconsistent policies, inadequate preparation of personnel, and inadequate budgets. The subcommittee concluded that, to some extent, these problems result from a decentralized system of service delivery in which each county believes that it has both the responsibility for and the prerogative to establish a unique set of service standards. Ways to balance the need for statewide standards with a county-based delivery system include establishing clearer accountability standards for the performance of child protection workers, providing access to high quality training programs, and providing adequate funding to attract and retain competent personnel as child protection workers.

The subcommittee also found that none of the public institutions of higher education in the Denver metropolitan area have an accredited bachelor of social work program. In addition, the social work programs that do exist do not require an

internship in child protection services. This lack of adequate education contributes to the problem of child protection workers and supervisors who are inadequately prepared to provide quality service.

Task force recommendations and legislation. The subcommittee made twenty-one recommendations which, with amendments, were approved by the task force. These recommendations were incorporated into Bills 1 and 2, and Joint Resolutions 1 and 2.

- I. To address concerns about child abuse screening and investigation, the subcommittee recommended that the state:
 - A. Develop a classification system for distinguishing among levels of abuse/neglect in order to prioritize county caseload while ensuring appropriate intervention.
 - B. Determine which types of cases require further evaluation.
 - C. Establish common forms and formats for reports to be used throughout the state.
 - D. Provide counties with an effective computer-based training program to facilitate common practice.
 - E. "Balance" investigations to focus not only on family problems but also on family strengths, keeping in mind the best interests of the child.
 - F. Improve the process by which a client may dispute an investigation, and allow clients to request case reassignment based on well-defined criteria.
 - G. Develop a uniform statement to inform persons under investigation what their rights are and to explain all aspects of the investigative process.
 - H. Encourage inter-county collaboration on investigations of institutional abuse.

- II. To address concerns about the selection and training of child abuse workers, the subcommittee recommends that the state:
 - A. Require 1) statewide twenty-eight day training sessions for all entry-level child protective services (CPS) workers who do not possess a Bachelors of Social Work (BSW) degree and 2) twenty-one day training mandated for all entry-level CPS workers with BSW degrees.

- B. Require a five-day base training and evaluation package for all entry-level workers prior to assuming a caseload.
- C. Implement competency-based evaluations for all training components.
- D. Establish criteria for all competency based evaluations as a basis for dismissing caseworkers at the end of a defined probationary period.
- E. Require supervisors to identify problem areas, remedial steps taken, and measurable means of determining whether performance of employees has improved at three-, six-, and nine-month intervals.
- F. Implement competency-based training and evaluation for supervisors.
- G. Require that supervisors meet established norms of performance on competency-based measures (failure to meet these norms should result in suspension of supervisory responsibilities).
- H. Designate state funds to develop, test, and implement all competency-based training and testing of caseworkers and supervisors.
- I. Incorporate interdisciplinary components into training and evaluation.
- J. Given the limitations of existing financial resources, incorporate examples from other successful programs into curriculum and testing.
- K. Support the accreditation of the BSW Program at Metropolitan State College of Denver.
- L. Establish as a goal that hiring procedures for all CPS caseworkers include systematic evaluations of applicants' abilities to meet the National Association of Social Work (NASA) standards for social work practice in child protection, including caseload standards.
- M. Require that pre-service training include a practicum or internship in child protective services.

Subcommittee 2: Treatment Programs - Child Abusers and Victims

Subcommittee charges. Subcommittee 2 was established to study the existence of short and long term programs or facilities for the treatment of child abusers and victims of child abuse, and to determine the effectiveness of such treatment.

Subcommittee findings. The subcommittee found that families should be able to access supportive services as easily as someone can file abuse allegations. Failure to adequately address the problems of children who are being physically, sexually, or emotionally abused or neglected is unacceptable when weighed against the loss of human potential and the danger those children will present to the community. Therefore, interventions for abused and neglected children should emphasize treatment strategies that are most appropriate for the child's needs. Home-based services, permanent placements, and high-quality foster care are inadequate to serve abused children in Colorado. In addition to assisting victims, the state needs a system of assessment, treatment, and monitoring for perpetrators of abuse.

Although one of the subcommittee's directives was to learn about the types of programs and services currently available, subcommittee members decided that learning about the services that are not available and about the barriers that prevent clients from obtaining existing services was more important. Consequently, the subcommittee focused on the issues of service gaps, barriers to obtaining services, and procedures for evaluating services. A questionnaire regarding these topics was distributed to the directors of all county departments of social services, and a group of juvenile judges and magistrates.

Respondents from both large and small counties stated that adequate services for all victims and offenders were not available. Insufficient funding was cited as the major barrier to providing appropriate services to both victims and perpetrators of child abuse. Other barriers included lack of insurance or Medicaid eligibility for victims, fragmented services and inadequate staff and programs. Small counties also reported the lack of services such as transportation and the shortage of therapists as barriers to appropriate services.

The subcommittee found that few treatment programs in the state undergo systematic evaluation. As a result, the group could not determine which treatment programs are successful. The subcommittee concluded that the evaluation of treatment services is not simply a matter of determining if the treatment was successful: evaluation needs to be part of a system for monitoring all treatment services.

Task force recommendations and legislation. The recommendations from Subcommittee 2, listed below, were endorsed by the task force and drafted into Bills 3 and 4 and Joint Resolution 3.

- I. Encourage prevention programs and activities by: 1) establishing family resource centers, prenatal health care and support groups; and 2) encouraging the inclusion of courses on child development, family dynamics (including how to recognize and report incidents of abuse and neglect), and parenting skills in the K-12 classroom curriculum.

II. To address the problem of delivery and quality of treatment services for victims of child abuse and offenders, the treatment subcommittee recommends the following:

A. Adopt a "Child Abuse Prevention and Treatment Act." The Act should, at minimum:

1. Establish a permanent "Commission for Child Abuse Prevention and Treatment" (hereinafter referred to as the "Commission") which shall be located within an appropriate government agency that delivers human services and has linkages across state agencies. The Commission shall be composed of no less than 15 members representing private experts in the area of child abuse, as well as governmental participants.
2. Establish a Center for Research and Evaluation of Child Abuse which shall:
 - promote and facilitate the development of a system to evaluate the effectiveness of existing treatment services and make appropriate recommendations to improve and broaden these services;
 - monitor, evaluate and review the delivery of treatment services to victims of child abuse as well as to perpetrators and make recommendations for statutory changes, state agency policy development and changes, and to local task forces; and
 - be connected to an academic institution of higher education and utilize graduate courses and students to help fulfill its mission.
3. Establish a permanent subcommittee of the Commission (called the Child Abuse Training and Coordination Council) which shall:
 - establish objective criteria and guidelines for discipline-specific training on child abuse and neglect for delivery to all professionals with responsibilities affecting children, youth, and families;
 - make recommendations to state and local agencies regarding appropriate training standards and minimum criteria for government employed officials;
 - make recommendations to school districts, the judicial department, local law enforcement and other agencies involved in the reporting, investigation and treatment of child abuse victims and perpetrators concerning minimum training levels for employed personnel;

- review training curricula to see that it meets standards;
 - provide information and, if appropriate, make recommendations to professional organizations and associations, licensing boards and agencies concerning minimum training standards; and
 - develop and implement ongoing training programs and strategies to encourage professionals to participate in the training programs.
4. The other authorities and responsibilities of the Commission are to:
- prepare and implement a comprehensive state plan for the development and coordination of child abuse prevention and treatment programs and services and explore funding alternatives for such programs and services;
 - promote the establishment of child abuse prevention and treatment task forces in each county, or, if appropriate, each judicial district, which will assure an opportunity for broad community participation and representation in the development of local child abuse prevention and treatment programs and policies;
 - assist the Training and Coordination Council in carrying out its statutory duties and responsibilities;
 - accept appropriations, gifts, loans and grants from public and private sources;
 - enter into agreements or contracts for consulting services, child abuse prevention programs, training programs for the prevention of child abuse and neglect, and treatment programs for victims and perpetrators of child abuse and neglect;
 - secure and disseminate statistical, technical, administrative and operational information to the Governor, General Assembly, government agencies, the private sector and the public concerning issues related to child abuse and neglect;
 - promulgate rules, regulations and policies for the conduct of the Commission and any subcommittees or councils developed within the Commission; and
 - make an annual report to the Governor and General Assembly concerning child abuse in Colorado and the activities of the Commission

and its various subcommittees; said report to be provided by January 1st of each year following the adoption of this Act.

5. Establish a Child Abuse Prevention and Treatment Fund to receive donations, grants and appropriations as set forth above and to utilize those funds to facilitate Commission business and its programs and objectives.
6. Establish a surcharge to be assessed on each criminal offense of child abuse and domestic violence to be deposited into the Child Abuse Prevention and Treatment Fund.
7. Establish formal mechanisms and relationships with the Sex Offender Treatment Board, as provided in section 16-11.7-103, C.R.S., and to ensure mutual productivity and liaison of the separate but related programs.

III. Support other programs designed to reduce and eliminate child abuse. While the subcommittee does not endorse any specific program, it recommends the encouragement of experimentation, research and innovation. If the Commission (see paragraph II, A, 1) is established, it should act as a clearinghouse for information on these programs.

IV. Make available additional or enhanced training to increase the knowledge and skill of groups that impact the treatment of victims and perpetrators. The three groups that this training should particularly focus on are foster parents, social services caseworkers and supervisors, and guardians ad litem. Specifically, the subcommittee recommends that the state do the following:

- A. Mandate initial and ongoing competency based training for all child welfare caseworkers and supervisors.
- B. Increase the required six hours of precertification training for foster parents and require ongoing training.
- C. Establish joint training of foster parents, child welfare workers and guardians ad litem about specific treatment issues. In addition, foster parents should have access to their foster children's medical information. If a foster child is HIV positive, the foster parent shall receive training on how to care for the child.
- D. Build upon and expand the current training offered through the Office of State Development. This training has specific outcome measures which have been tested for reliability and validity.

- E. Coordinate the training plans recommended by this subcommittee with all other related efforts. Specifically, the treatment subcommittee training plans should be coordinated with the plans being proposed by: 1) the agencies in charge of staff development and child welfare services at the Department of Social Services; 2) the Task Force on Family Issues, Subcommittee on Common Standards; and 3) the Governor's Commission on Children and Families, which is submitting a proposal for joint training to the Casey Foundation. And, finally, an avenue for expansion of guardian ad litem training through the current annual training offered by Denver University law school should be considered.
- V. Convene forums and "resource fairs" through the Colorado Department of Social Services to bring public and private professionals together to plan, problem-solve, and educate providers about available services. As a result of these fairs, the department could conduct ongoing needs assessments and compile a resource directory.

Subcommittee 3: Courts

Subcommittee charges. Subcommittee 3 was authorized to study:

- the need for improving the services provided by guardians ad litem;
- the coordination of information between courts handling cases that involve a single family; and
- the establishment of a family court system in Colorado.

The subcommittee divided into two additional subgroups; one on guardian ad litem (GAL) issues, and one on court issues. The subcommittees heard testimony, researched reports and feasibility studies, and circulated a questionnaire to Colorado juvenile judges and magistrates.

Subcommittee findings. The GAL subgroup found that the GAL system in Colorado needs extensive improvements. Among the most frequently voiced complaints are that the GAL does not: 1) dispute the findings of the Department of Social Services, 2) conduct an independent investigation or participate actively in the court process, 3) have the necessary training to represent the interests of children, or 4) have a clear role in court actions, with expectations varying from one judicial district to another. This subgroup determined that the lack of state-wide training and performance standards, lack of consistency in the accountability required by the courts, and lack of adequate compensation give rise to both actual and perceived deficiencies in the GAL system.

The court issues subgroup found that the principal problem with the exchange of information between courts arises from the restrictions imposed by law on the release of records in juvenile delinquency and dependency and neglect proceedings, custody and visitation evaluations, and adult probation reports. Only those persons listed in the confidentiality statute can inspect court records without a court order. Caseworkers, probation officers, and custody/visitation evaluators who are not listed, do not customarily apply to the court for permission to inspect records. The problem arises when one family has matters pending before several different judges; each of the judges enters orders without the benefit of all relevant information because professionals involved in the different cases may be unaware of the existence of other court proceedings that involve the same family members.

In studying family-court issues, Subcommittee 3 interviewed attorneys and family court judges from seven states. A repeated theme at a public hearing held by the task force was concern in the court system for delay, inefficiency, prohibitive cost, and lack of sensitivity to the needs of families. The subcommittee concluded that the single most important characteristic of a family court system is the one family-one judge concept, in which matters concerning members of the same family are heard by the same judge. The juvenile court judges and magistrates surveyed by the subcommittee generally approved of the one family-one judge concept, but were opposed to assigning family litigation to only one judge or one division in the larger districts. The subcommittee concluded that a family court, as a separate entity, is not feasible in Colorado at this time but proposed solutions for a one family-one judge case assignment system.

Task force recommendations and legislation. Subcommittee 3 recommendations, as adopted by the task force, are listed below. These recommendations were incorporated into Bills 5 and 6 and Joint Resolution 4.

- I. To address the issue of GAL performance and to improve the information available to GALs, the subcommittee recommends that the state:
 - A. Adopt the standards of practice for GALs as proposed by the Colorado Bar Association's GAL Standards Committee. The complete proposal is included in the subcommittee report as Appendix B and is summarized as follows:
 1. Grants same status to GALs as other attorneys of record.
 2. Requires active participation by GALs in all aspects of litigation, from the initial stages including discovery through full participation at trial, including presentation of evidence, through the pursuit of appeals.
 3. Requires specialized education regarding the needs of children.

4. Requires thorough, independent investigation by the GAL, including review of all reports, meeting with the child and interviewing all relevant witnesses.
 5. Requires informed and independent recommendations that serve the child's best interest.
 6. Requires reasonable, prompt compensation.
- B. Require GAL training to include information on child development, child and adolescent psychology, interviewing techniques, and family dynamics.
 - C. Limit interviews of a child involved in a dependency and neglect action to only one interview by a competent investigative interviewer. The same interviewer may conduct additional interviews, if that interviewer deems them necessary. Subsequent interviews may be conducted by the first interviewer's replacement. All interviews shall be videotaped with exceptions made for good cause. Standards for investigative interviewing should be established and training should be provided. The requirement for only one interviewer, or his or her replacement, to interview the child shall be removed if the case goes to trial.
 - D. Require the Colorado Supreme Court to establish training and accountability standards and a registration system for GALs. Hourly rates for GALs that meet registration standards should be increased.
- II. To address the problem of coordination among courts handling cases that involve a single family, the subcommittee recommends that the state:
- A. Enact legislation to permit access, without additional court approval, to all court records and reports involving a family by all professionals who are involved in any court proceedings concerning a single family.
 - B. Enact legislation requiring attorneys and professionals involved in family litigation, and who are aware of litigation in other courts involving the family, to advise the court of the other proceedings.
 - C. Create a state-wide automation system to link courts and family-related service agencies.
 - D. Adopt the Vision 20-20: Colorado Courts of the Future (a report prepared by the State Court Administrator's Office) recommendation with respect to family courts for the establishment of a three-step process for resolving

domestic relations disputes: mediation, arbitration by a panel of community judges, followed by traditional litigation if necessary.

- E. Require that all cases involving a family that relate to the following matters be heard before the same judge:
1. delinquency, dependency and neglect, and termination of parental rights (sections 19-1-101 through 19-3.5-108, C.R.S.).
 2. paternity proceedings (section 19-4-101, et seq., C.R.S.).
 3. relinquishment and adoption proceedings (section 19-5-101, et seq., C.R.S.).
 4. support proceedings (section 19-6-101, et seq., C.R.S.).
 5. cases where minor children are involved (section 14-10-115, et seq., C.R.S.).
 6. interstate custody disputes (section 14-13-101, et seq., C.R.S.).
 7. collection and enforcement of support obligations where one parent resides outside of Colorado (section 14-5-101, et seq., C.R.S.).
 8. issuance and enforcement of restraining orders to prevent domestic abuse (section 14-4-101, et seq., C.R.S.).
 9. placement and supervision of juveniles placed out of state, and the return of runaways and absconders (section 24-60-701, et seq., C.R.S.).
 10. placement and treatment of children who are mentally ill or are developmentally disabled (sections 27-10-101, et seq., and 27-10.5-101, et seq., C.R.S.).
 11. minor's consent to medical care and surgical procedures (section 13-22-101, et seq., C.R.S.).
- F. Direct the enactment of court rules to implement a state-wide one family-one judge case assignment system, except for the Denver courts. The court rules should include, but not be limited to, the following:
1. Case assignment per statutes listed in paragraph E (1) through (11) above;

2. Mandatory judicial orientation and training;
 3. Docket rotation;
 4. Time limits for case processing;
 5. Recordkeeping/release of information;
 6. Mandatory mediation;
 7. Statewide availability of low-cost custody evaluations, sliding scale fees and standardized fees and services; and
 8. Special attention to speedy resolution of non-contested matters and pro se litigants.
- G. Send a letter from the Legislative Task Force on Family Issues to legislators who represent the City and County of Denver, asking those legislators to sponsor legislation to repeal Sections 14 and 15, Article VI of the Colorado Constitution. (Combining the Denver district and juvenile court functions would require repeal of Section 15. The inclusion of guardianship and conservatorship matters would require the repeal of Section 14.) The letter sent to Denver area legislators is included in Appendix B.

Subcommittee 4: Child Custody

Subcommittee charges. The charge to Subcommittee 4 was to study:

- the establishment of a pilot project involving alternative dispute resolution procedures and mediation to resolve child custody matters;
- the need for development of an independent child custody evaluation system under the direction of the court system in domestic relations matters, or, in the alternative, the development of a system whereby child custody evaluators are made available through the court system to parties in domestic relations matters at a minimal cost;
- the need for greater oversight of supervised visitation cases; and
- the need for a presumption in favor of joint custody in child custody disputes.

The charges were divided among four subgroups: alternative dispute resolution/mediation, child custody, supervised visitation, and joint custody. The subgroups heard expert testimony and examined reports and existing case law. The child custody subgroup held public hearings in Grand Junction, Sterling, and Pueblo.

Subcommittee findings. The subcommittee heard numerous complaints during public testimony across the state attesting to the inadequacy of existing court services for children and families. Primarily the complaints focused on delays, prohibitive

costs, lack of services, insensitivity to individual family needs, and the process' destructive effect on the family. The subcommittee concluded that the establishment of a family court system in Colorado would create a more responsive system to meet the needs of children and families. A family court would also provide the appropriate forum to bring about the changes recommended for the child custody process.

The alternative dispute resolution/mediation subgroup agreed that mediation was beneficial for couples, but the group was divided as to whether mediation should be mandatory. They reviewed mediation and alternative dispute resolution techniques in courts across Colorado and concluded that mediation facilitates a high rate of settlement between contending parties. The subcommittee considered mediation a cheaper and more advantageous process than the adversarial court system; however, no information was available regarding the substance or long term effectiveness of the agreements.

The child custody evaluation subgroup addressed the problems of making evaluations more affordable, focused on the best interests of the child, and performed in a fair and professional manner. The subgroup also addressed how to improve judicial understanding of the problems of children and divorce. The subgroup's recommendations focused on the funding of evaluations, the performance of evaluators, and the training of judges, attorneys, and guardians ad litem.

The subgroup on supervised visitation found that thousands of children are in situations that, because of abuse, neglect or contested custody proceedings, need safe, supervised time in a setting conducive to maintaining relationships with a non-custodial parent. Supervisors of such visits should be trained to ensure a safe environment and to evaluate relationships between the parents and children involved. Information from supervisors is important to judges in child custody and visitation cases. Few such supervised services exist in the state, and the subgroups recommendations offered a variety of approaches to remedy the problem.

The subgroup on joint custody discussed the issue of whether there should be a presumption of joint custody in divorce cases. A presumption would mandate joint custody unless one party could show that it would not be in the best interests of the child. Members in favor of a presumption of joint custody believed that it would eliminate much of the conflict between parents while ensuring that each parent would have access to the child. Opponents believed that a presumption of joint custody would shift the focus away from determining the best interests of the child to determining the rights or wishes of parents. The subgroup defeated a recommendation for the presumption of joint custody but suggested mandatory education for divorcing couples about the effects of divorce on children and the custody options available.

Task force recommendations and legislation. The Subcommittee 4 recommendations approved by the task force are listed below. These recommendations were incorporated into Bills 5, 7, 8 and Joint Resolution 5.

I. To ensure the best possible legal decisions and interventions in cases involving children, the subcommittee concluded that the state should reform the courts as follows:

A. Develop a family court in each judicial district in Colorado. The family court will have jurisdiction over all matters involving marital dissolution, alimony, child custody and visitation, adoption, paternity, support, abuse and neglect, delinquency, school truancy cases, and other status offenders.

B. Develop alternative dispute resolution/mediation for custody as well as dependency and neglect cases. Specifically, the subcommittee envisioned a multi-door court process (multiple procedural options) which include: 1) mediation, 2) a panel of three judges, arbitrators, or volunteers, and 3) the traditional adversary process.

C. Establish a procedure for divorcing parties with children to attend educational seminars upon filing for divorce, custody, or paternity. Seminars should address the psychological and emotional effects of divorce on children and adults, custody options, and the availability of mediation and arbitration as alternatives to litigation. Other topics might include communication, parental responsibility, and problem solving. Judges can order attendance, at their discretion.

D. Ensure that counseling services are available to all children of divorce, custody, and paternity suits, at the request of any parent or child, to be paid for by a Children's Counseling Fund created with money derived from a surcharge on divorce pleadings. Counseling participants should also be charged a sliding-scale fee according to ability to pay. Counseling can be mandated at the court's discretion but should exclude those cases in which the parties have nothing in disagreement.

II. Establish mandatory mediation as a precondition to setting a court hearing for divorcing couples who have issues in dispute, unless individuals establish a good cause exception. The state should also:

A. Require that adequate funding be available for mandatory mediation and that standards be enforced. (See Code of Professional Conduct from Colorado Counsel of Mediators, Appendix C of the subcommittee report.)

B. Provide pro bono mediation services to indigent clients.

III. To address four specific issues regarding child custody evaluations -- affordability, the best interests of the child, fairness, and the improvement of

judicial understanding of the problems of children and divorce -- the subcommittee recommends that the state:

- A. Set a fee standard for public agencies with maximum and minimum limits based on the level of complexity of the evaluation.
 - B. Establish a statewide, sliding-scale fee payment plan for evaluation done by public agencies.
 - C. Establish a state fund to pay the difference between the cost of the child custody evaluation and the parties' ability to pay. Sources of funding might include increased filing fees for divorce.
 - D. Encourage universities and colleges to provide pro bono custody evaluations as part of their curriculum to train social workers, therapists, and psychologists.
 - E. Provide that a custody evaluation is but one piece of evidence to be considered by the court when determining custody.
 - F. Require the evaluator to inform the parties of the role of the custody evaluator and the scope of inquiry before the evaluation is undertaken.
 - G. Require judges, attorneys, and guardians ad litem to receive specific training on the psychological/emotional dynamics of separation and divorce and its effect on children.
 - H. Mandate multi-disciplinary training for judges and attorneys handling child and family issues on humanities, interpersonal relations, and problem solving. Training should also include relevant substantive areas such as the dynamics of family relationships, domestic violence, and child development, among others.
- IV. The subcommittee recommends the following changes regarding visitation and supervised visitation:
- A. Change statutory references from "visitation" to "parenting time" when the term relates to parents.
 - B. Implement a sliding-scale fee for supervised visitations as recommended in the subcommittee report on child custody. This fee should be divided between the parents in the same ratio as their obligation to pay child support.

- C. Provide supervised visitation through the Department of Social Services if the parties are indigent.
 - D. Encourage the leadership of public and private agencies in each community to explore other critical alternatives to meeting the need for providing free supervised visitation services to indigent clients.
 - E. Recommend to the Governor's office and the Department of Social Services that newly formed family resource centers should address the critical community need for supervised visitation centers for low income clients.
 - F. Ask the Supreme Court to request a plan from each judicial district for development of an expedited visitation enforcement program where an agreement or court order exists.
 - G. Develop a special masters program to enforce visitation agreements within seven days of violation and respond to other emergencies surrounding visitation.
 - H. Encourage development of a school/parent support program for children of divorced parents in each school.
 - I. Encourage the development of uniform state-wide policies, standards, and training to promote the needs of children and families in supervised visitation settings.
- V. The subcommittee recommends no change in the current law which allows a judge to order joint custody.

Subcommittee 5: Legislative Oversight

Subcommittee charges. Subcommittee 5 was authorized to study the need for the establishment of a legislative oversight committee which has the power to hear and investigate family grievances against the Department of Social Services and the judicial system in regard to matters of child custody.

Subcommittee findings. Subcommittee members concluded that the state should have a legislative oversight committee to hear complaints from families who feel that social services has intruded and acted improperly, and to hear complaints from those who feel that social services has not intervened on behalf of a child in imminent danger of maltreatment. The oversight committee should have members who are not part of the Department of Social Services but who have full access to information regarding children and families. Some subcommittee members expressed the opinion that

oversight committees should exist on the local level. Although Subcommittee No. 5 discussed the issue of establishing an oversight committee, no specific recommendation was made to the task force.

Task force legislation. After discussing the final report from Subcommittee 5, the Task Force on Family Issues elected to endorse Bill 9, which creates a select legislative committee on families and children.

Subcommittee 6: Definitions - Reasonable Efforts and Emotional Abuse

Subcommittee charges. Subcommittee 6 was authorized to study:

- whether Colorado should have a statutory definition of emotional abuse, and if so, what the definition should be; and
- the need for development of a clearer definition of "reasonable efforts" as it relates to the federal Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272).

In addition to researching issues, the group consulted the Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect, the Denver County District Court, social workers, city attorneys, civic groups, and others involved in child welfare issues.

Subcommittee findings. The subcommittee found that the adverse consequences of emotional abuse are significant and well documented and that Colorado is the only state in the nation which does not prohibit emotional abuse statutorily. The group concluded that children are emotionally maltreated in Colorado without receiving adequate protection from the state. Consequently, the subcommittee recommended that emotional abuse be defined and classified as child abuse in the Colorado Children's Code. The subcommittee's final report included model statutory language.

Subcommittee 6 found that national consensus has emerged concerning state investment in the prevention of child abuse--both primary prevention and the prevention of additional abuse or neglect, once it is identified. Research indicates that targeted prevention and early intervention services do work. Intensive family preservation services, even at the point where the safety of the child requires out-of-home placement, can enable children to remain at home. Not only do prevention, early intervention, and intensive family preservation services work, but they also save money.

Regarding "reasonable efforts," the subcommittee found that the current county administered social services system results in an uneven distribution of services across the state and a lack of consistent accountability on the part of local departments of

social services for state policies and mandates. The state also lacks adequate community services to help support families and protect children. Subcommittee members concluded that many entities of the community, in addition to the state and county departments of social services, must assume responsibility if Colorado is to meet the fundamental goal of keeping troubled families together, without jeopardizing the safety of the child.

Task force recommendations and legislation. Subcommittee 6 recommendations, as approved by the task force, are listed below. Recommendations from this subcommittee were incorporated in Bills 10 and 11.

- I. Amend the Children's Code, Title 19, Colorado Revised Statutes, to prohibit emotional abuse and to include a definition of emotional abuse.
- II. Adopt statutory language defining "reasonable efforts" as the "exercise of reasonable diligence and care by the state to provide, purchase, or develop the services throughout the state required both to prevent unnecessary placement of children outside their homes and to foster reunification with families, whenever possible, when children are in out-of-home placement, through supportive and rehabilitative services to the family."
- III. Define "emergency" as follows: An emergency exists whenever the safety of well-being of a child is immediately at issue and other reasonable ways to protect the child are not available without removing her/him from the home. In such an emergency, the child shall be removed from his/her home and placed in protective custody whether or not reasonable efforts to preserve the family have been made. A child should not be kept in an unsafe home.
- IV. Ensure, not just require, that an individual case plan is in place for all abused and neglected children and their families being served by the state, not just those in out-of-home placement.
- V. Adopt practice standards requiring that judges and attorneys assume independent responsibility to ensure that reasonable efforts are made on each case.
- VI. Identify a set of core services that would constitute the minimum resources needed to comply with reasonable efforts. These services must be available to every county of the state. Even if groups of counties share service resources, they need to be available, as appropriate, for all abused and neglected children and their families. Legislation shall identify the minimum core services which are to be established at once; the legislation shall also name core services which are to be phased in within three years.

- VII. Require a plan from each county outlining the needs, resources, and gaps in services that would protect children and preserve families. This plan shall be submitted every two years and include a process for filling the gaps in services. The plan shall be submitted to the leading relevant departments of state government -- the Departments of Social Services, Institutions, Health, Education, etc. -- to the General Assembly, especially the Joint Budget Committee, the Select Committee on Children, Youth, and Families (should one be formed), and to the Governor's office.
- VIII. Ensure accountability by all counties to the laws and regulations supporting reasonable efforts.

Subcommittee 7: Family Preservation

Subcommittee charges. Subcommittee 7 was authorized to study the following:

- the cost-effectiveness and benefits of family preservation programs and family resource centers as alternatives to out-of-home placement;
- the funding of such programs by state and federal foster care moneys; and
- the need for and the effect of family preservation programs which are used as alternatives to foster care or other out-of-home placement.

The subcommittee heard presentations regarding the Homebuilders Family Preservation Model at Risley Middle School in Pueblo, the Chins-up Family Preservation Program in Colorado Springs, and the Colorado Family Preservation Project of the Colorado Trust which sponsors seven public/private family preservations pilot sites in Colorado. Public testimony was heard and presentations were given regarding the cultural competence of case workers and the cultural relevance of out-of-home placement of minority children.

Subcommittee findings. Subcommittee 7 defined family preservation services as intensive, short-term, home-based caseworker services. The group found that in contrast to traditional child welfare services, these services mark a major shift in the way agencies work with families. They focus on the family as a whole. Caseworkers are often available 24 hours per day, seven days per week, working with most or all of the family members in the home for four to six weeks. The caseworker can identify and assist with barriers that may prevent parents from caring appropriately for their children's needs. Parents are empowered to achieve specific goals related to child well-being.

Subcommittee 7 concluded that family preservation services are cost effective compared to traditional child welfare services and are more effective in preventing out-of-home placement of at risk children. Research on family preservation programs

supported that conclusion. In 1990, the National Conference of State legislatures found that family preservation services in eight states resulted in placement prevention rates of 90 percent at termination of services and approximately 75 percent six months and twelve months after termination. The Colorado Division of Mental Health obtained information in 1991 regarding 145 children at risk of out-of-home placement from 89 families who had been out of family preservation services for at least three months. At three months, 86.9 of these 145 children were still with their families in their own home. For the 17 children who had been out of family preservation services at least six months, 76.5 percent were still in their own home. Estimated costs for family preservation services for the 89 families were \$534,620, compared to \$823,375 for a hypothetical comparison group of 145 children who were placed out of their homes.

Task force recommendations and legislation. The recommendations of Subcommittee 7, as adopted by the task force, are listed below. The recommendations were drafted into Bill 12.

- A. Create a family preservation program to serve as an alternative to out-of-home placement.
- B. Define "family preservation" to mean intensive, short-term, home-based services.
- C. Empower parents of children at risk of out-of-home placement to keep their children.
- D. Include participation by parents and appropriate children in the development of a family preservation plan to ensure family rights.
- E. Obtain funding from federal Title IV-A and IV-E funds, Medicaid, and other appropriate sources.
- F. Create an entitlement to family preservation by making every child at imminent risk of out-of-home placement eligible for family preservation services. (Estimates of eligibility range from 50-80 percent of children in state custody, to be determined from county-by-county estimates.
- G. Define the concept of youth at imminent risk of out-of-home placement.
- H. Assign the determination and collection of funding to state or county government, not to service providers.
- I. Require the state to determine administrative and cost standards.

- J. Allow private non-profit organizations to compete with government agencies as service providers through a request-for-proposal (RFP) process.
- K. Include screening, assessment, intervention, and referral services in family preservation programs. (Services should not be limited to those listed.)
- L. Ensure that the funding formula for allocations to counties does not penalize those counties with successful alternatives to out-of-home placement by using only out-of-home placement statistics.
- M. Apply culturally relevant criteria to all programs.
- N. Apply geographically relevant (i.e., urban and rural) criteria to all programs.
- O. Develop program evaluation criteria.

Subcommittee 8: Marital Settlement

Subcommittee charges. Subcommittee 8 examined marital maintenance and property settlement issues. The subcommittee heard public testimony on issues such as the rationale for maintenance, the relationship between the length of the marriage and the period and amount of support, and permanent versus temporary maintenance.

Subcommittee findings. Meetings in the fall of 1991 focused on Senate Bill 92-52, a marital maintenance bill. The bill codified the 1987 Olar decision of the Colorado Supreme Court (In re Marriage of Olar, 747 P.2d 676 (Colo. 1987)). In that case, the court changed the "reasonable standard of need" for granting maintenance to the standard of living established during the marriage, rather than a subsistence level. The bill passed the Senate with an amendment establishing a rebuttable presumption that maintenance would be temporary. The amendment was removed in the House. After discussion in conference committee, the bill again passed the House but was defeated in the Senate.

Meetings in 1992 focused on marital property and the maintenance issues in Senate Bill 92-52. The subcommittee discussed two major issues: valuing gained or lost income capacity when one spouse helps the other spouse obtain training or education, and; establishing a legal presumption for maintenance based upon the length of marriage. Subcommittee members voted to endorse a rewritten version of Senate Bill 92-52, which included classifications of maintenance according to the purposes for which it is awarded: standard of living, education and training, reimbursement, or for purposes of equity.

Task force recommendations and legislation. The recommendations developed by this subcommittee were presented to the Task Force on Family Issues in the form of a bill, which is summarized in the next section of this report as Bill 13. The bill was endorsed by the task force. The Legislative Council, at its October 15, 1992 meeting to consider interim committee reports, voted 6-2 to deny the introduction of Bill 13 as an interim committee bill. According to the General Assembly's joint rules, interim committees are allowed to sponsor only twelve bills, and the task force had proposed thirteen, one of which was to be a delayed bill. Bill 13 was defeated in order to limit the task force to twelve bills.

Task Force Legislation

The numerous recommendations approved by the task force were incorporated into 13 bills and 5 resolutions. These legislative proposals are summarized below.

Child Abuse and Neglect Investigations - Bill 1

Bill 1 requires the Department of Social Services to respond to intra-familial abuse and neglect in accordance with rules adopted by the State Board of Social Services. In addition, the bill mandates that interviews with children conducted in connection with a child abuse report are to be videotaped by a competent interviewer, unless the videotaping will cause trauma to the child. Current law allows for videotaping but does not require it.

Grievance Procedures Against the Department of Social Services - Bill 2

This bill seeks to make the Department of Social Services (DOSS) more accountable to those citizens for which it provides child welfare services. The bill requires each county DOSS to implement a grievance process to handle complaints concerning the department's response to a child abuse and neglect report. A liaison between the department and the complainant is charged with developing a plan to resolve the dispute. If the plan is contested by either party, it can be appealed to several levels. The bill specifies the deadlines during which the state must respond to the complaint and to the appeals. Case reassignment, in accordance with criteria specified by the State Board of Social Services, is a possible resolution to the dispute. The bill requires that persons involved in a child abuse or neglect report be informed of the grievance process.

Child Abuse Prevention and Treatment - Bill 3

This bill seeks to establish child abuse prevention and treatment programs statewide. The bill creates a Commission for Child Abuse Prevention and Treatment to consist of twenty members with: 1) representation from the state departments, including Education, Health, Institutions, Judicial, Public Safety, and Social Services; 2) gubernatorial appointees representing persons with expertise in the treatment of child abuse perpetrators and victims, district attorneys, law enforcement, and private sector or community service organizations; 3) members of the General Assembly; and 4) a member from the Colorado Children's Trust Fund Board.

The commission is charged with creating a state plan to create and coordinate child abuse treatment programs, to develop training programs on child abuse and neglect for professionals involved in the delivery of services to children and families, and to ensure community participation in the development of local treatment plans. Child abuse prevention activities are to be administered by the Colorado Children's Trust Fund, which is to develop and implement a statewide plan to create and coordinate child abuse prevention programs, to include prenatal care, home visitation, and training programs.

Child abuse and prevention and treatment activities are to be funded by a surcharge ranging from \$150 to \$3,000 on persons convicted of child abuse or domestic violence, on or after July 1, 1993. The fund can also receive monies from private donations and government grants.

Local Family Issues Task Forces for Counties - Bill 4

Bill 4 amends the "Colorado Children's Code" to require each county or city and county to establish or designate a local family issues task force by July 1, 1993. The duties of the task forces include compiling information, evaluating, and submitting recommendations annually to the General Assembly regarding public social services to families in the county or city and county. The bill describes the compositions of the task forces.

Court Procedures in Domestic Matters - Bill 5

Bill 5 amends existing court procedure to require the court administrator to review the structure of the courts and report to the General Assembly by January 1, 1995 regarding changes needed to implement a family court system. "Family court" means one court which has jurisdiction over all domestic matters. The bill provides that in every multiple-judge district except Denver, whenever possible, the same judge will

hear any case on domestic or juvenile matters involving members of the same family. To facilitate hearings by the same judge, any attorney, custody evaluator, or guardian ad litem who has knowledge of family members involved in more than one court case is required to inform the court of those cases.

Bill 5 creates a new section in current statute governing evidence in court. When a court finds a substantial likelihood that a child victim of sexual abuse will suffer emotional or mental harm if required to testify in open court, the testimony of the child may be taken by closed circuit television. A procedure is established for taking the testimony.

The bill provides that courts shall order parties to a dissolution of marriage to mediate any contested matters, except for good cause shown, prior to setting a court hearing. Good cause includes, but is not limited to, an allegation that one spouse has been a victim of physical or psychological abuse by the other spouse. If the parties cannot settle matters through mediation, they must seek nonbinding arbitration, except for good cause shown. Any party who is dissatisfied with the decision of the arbitrators may elect to file a demand for a hearing with the court. Bill 5 establishes deadlines for arbitration, procedures for the selection of arbitrators, and the conduct of arbitration hearings, and authorizes arbitrators to issue subpoenas for attendance of witnesses. An arbitrator may not be called to testify at any hearing and is immune from civil liability arising from the arbitration.

Exchange of Information Between Persons Involved in Family-Related Matters - Bill 6

Bill 6 directs the state court administrator to establish, by January 1, 1995, computerized links among district courts and state family service agencies to exchange information regarding family members involved in domestic or juvenile actions. No information which is required to be kept confidential under state or federal law is to be included in the system.

The statute on confidentiality of juvenile records is amended to allow professionals involved in juvenile or domestic actions--a court of jurisdiction, attorneys of record, the state Department of Social Services, custody evaluators, and child protection teams--access to a juvenile's court records without court orders. Current law is amended to allow the statutory list of individuals who have access to dependency and neglect records to obtain those records without a court order. The statutory list of those individuals is also amended to conform to federal law. The bill provides that anyone who obtains information from dependency and neglect records shall not disclose the information to anyone not identified in the statute.

Change in the Term "Visitation" to "Parenting Time" - Bill 7

Bill 7 changes the term "visitation" to "parenting time" when the term "visitation" refers to the time a noncustodial parent spends with his or her child.

Services Available to Families Involved in Domestic Actions - Bill 8

Bill 8 amends the current "Uniform Dissolution of Marriage Act" to provide for services to families involved in marriage dissolution. The bill requires the court to inform parties to a dissolution of marriage, including the children involved, of the availability of educational seminars on topics such as the psychological and emotional effects of dissolution, child custody options, child support obligations, mediation and arbitration options, parental responsibility, and problem solving skills. Each judicial district is required to make the educational seminars available, subject to available funds. Participants may receive funding for the seminars from the Children, Youth, and Families Fund (CYF), created in the bill, on a sliding-scale. The court may order parties to attend seminars.

Courts are required to order parties to a dissolution to seek mediation services prior to setting a hearing on any contested matter, except for good cause shown. If the parties are unable to reach an agreement through mediation, the court shall set a hearing. Under Bill 8, every child named in any action for dissolution, custody, or paternity is eligible to receive counseling services. The court is to inform the parties that they may be eligible for a grant from the CYF fund to pay for counseling. The court may order that an eligible child receive counseling.

The CYF fund is to be financed by a \$20 fee assessed against each nonindigent person filing for dissolution of marriage. The bill provides for the allocation of monies to pay for the services required in the bill. The court administrator is required to establish guidelines for applications for grants and to award grants to families on a sliding-scale. Bill 8 also establishes that the rights of children in custody matters prohibit the court from relying solely on the results of a custody evaluation in determining the best interests of the child. A custody evaluator must inform each party being evaluated of the role of the evaluator and the scope of the evaluation.

Creation of a Legislative Select Committee on Children, Youth, and Families - Bill 9

This bill creates the legislative Select Committee on Children, Youth, and Families, charged with developing comprehensive policy to promote the welfare of Colorado's families. The select committee, which is modelled on a legislative structure

in Tennessee, consists of 18 members, nine from the Senate and nine from the House of Representatives. The membership is to include members from the following standing committees in both houses: Appropriations; Education; Finance; Health, Environment, Welfare, and Institutions; and Judiciary. The select committee is authorized to create an advisory task force to include representatives from the following executive departments: Corrections, Education, Social Services, Labor and Employment, Institutions, and Health. In addition, representatives from the Office of Budgeting and Planning and the Judicial Branch are to be included.

Definition of Emotional Abuse Included in Colorado Children's Code - Bill 10

This bill amends the "Colorado Children's Code" to include a definition of emotional abuse under the definitions of child abuse.

Provision of Services to Comply with "Reasonable Efforts" Requirements - Bill 11

Bill 11 defines the term "reasonable efforts," pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, as the provision of supportive and rehabilitative services to prevent children in troubled families from being placed out of the home and to reunify children in out-of-home placement with their families. The bill outlines the implementation of core services, listed below, to be provided for cases beginning on or after the following dates:

Core Services

- | | |
|--------------|---|
| July 1, 1993 | placement services, visitation services for parents with children in out-of-home placement, crisis counseling, information and referral for services. |
| July 1, 1995 | brief and intensive family preservation services. |
| July 1, 1998 | transportation to core services, day care, in-home supportive homemaker services, health care services, and drug and alcohol treatment. |

The bill requires guardians ad litem and judges to ensure that reasonable efforts have been made. The Department of Social Services must either assert that services complying with reasonable efforts requirements have been offered or provided to a troubled family or explain why such services were not provided. Furthermore, all abuse and neglect cases which are beyond the investigation stage must have a case plan that has been developed with input from the family.

Under this proposal, local interdisciplinary task forces are to be established or designated to identify gaps in services to protect children and to preserve families. The findings are to be reported to the Joint Budget Committee, to the Senate and House Health, Environment, Welfare, and Institutions Committees, and to the office of the Governor.

Statewide Implementation of Family Preservation Services - Bill 12

Current law creates a pilot family preservation program, designed to prevent placement of children in troubled families outside of their homes. This bill repeals and reenacts existing law.

Bill 12 calls for statewide implementation of family preservation services, within available appropriations. These short-term, in-home, crisis intervention services are to be provided to families at imminent risk of out-of-home placement. Family preservation programs for eligible families being served by the Department of Social Services are to be implemented in phases, and made available to the entire eligible population by July 1, 1995. Reunification services for families with children in out of home placement are to be made available by January 1, 1996. Family preservation services for families involved in the state's child welfare, mental health, and juvenile justice systems is scheduled for July 1, 1996.

Local family preservation commissions are to be established to provide oversight of the implementation of these services. The commissions and state DOSS are charged with evaluating family preservation programs. The bill establishes a fund for the statewide implementation of services to consist of private donations, a portion of the DOSS line item for out of home placement, available federal funds, and the monies in the family preservation fund under the existing statute.

Marital Maintenance Issues - Bill 13 (This bill was not approved by Legislative Council.)

This bill directs courts to award maintenance if the spouse seeking maintenance lacks the earning capacity or sufficient property to provide for his or her reasonable needs, based on the standards of living established during the marriage. The financial and parenting responsibilities of the spouse providing maintenance must be considered.

At the discretion of the court, maintenance can be granted in order to maintain a standard of living, pay for education and training for a specified period of time, and as

a reimbursement for sacrifices made during the marriage (such as staying at home to care for children).

Pro Bono Custody Evaluations and Accreditation of a Bachelor's of Social Work at Institutions of Higher Learning - Joint Resolution 1

This resolution urges the Colorado Commission on Higher Education (CCHE) to encourage universities and colleges to provide pro bono custody evaluations as part of the curriculum to train social workers, therapists, and psychologists. The resolution also requests CCHE to support the accreditation of a Bachelor's of Social Work degree in institutions of higher learning throughout the state.

Improvements in the Child Protection System - Joint Resolution 2

Among its many recommendations, this resolution urges the Department of Social Services to encourage the development of uniform statewide policies, standards, and training to improve supervised visitation; to encourage initial and ongoing competency-based training of all child welfare caseworkers; to promote ongoing competency-based training and evaluation of child welfare supervisors; and to increase the required six hours of pre-certification training for foster parents and requiring ongoing training. The resolution also urges the department to establish common forms and formats for child abuse reports throughout the state; to develop a uniform statement to inform persons under investigation for child abuse of their rights and to explain all aspects of the investigative process; to request that newly formed family resource centers address the issue of supervised visitation centers for low-income clients; and to convene forums and "resource fairs" to bring public and private sector child-welfare professionals together.

Educating K-12 Students on Family Issues - Joint Resolution 3

This resolution urges the Colorado Commission on Higher Education and the Department of Education to support the inclusion of courses on child development, parenting skills, and family dynamics, including how to recognize and report incidents of abuse and neglect, in the K-12 curriculum.

Recommendations to the Chief Justice of the Colorado Supreme Court Regarding Family Issues - Joint Resolution 4

Joint Resolution 4 urges the Chief Justice to establish a registration system for guardians ad litem which includes training and accountability standards; to establish standards requiring that judges and attorneys ensure that reasonable efforts are being made in each dependency and neglect case; to encourage training for professionals in the judicial system on certain issues pertaining to families and children; to request from each judicial district a plan for expedited visitation enforcement; enact court rules to implement a one family-one judge case assignment for cases dealing with family issues; and implement other reforms to increase the responsiveness of courts to families.

Recommendations to County Commissioners on Child Abuse Prevention Programs and Supervised Visitation Services — Joint Resolution 5

The General Assembly urges county commissioners in the state to encourage programs and activities to prevent child abuse by establishing family resource centers and prenatal health care and support groups.

Documents Available From Legislative Council

The following documents are available from Legislative Council:

- Colorado's Children: A State of the Child Report, Children's Hospital and Colorado Children's Campaign, November 1991.
- Final reports outlining the subcommittee recommendations from Subcommittees 1 through 8.
- Strategic Plan for Colorado's Families and Children: A Draft for Review and Comment. The Policy Academy Team on Families and Children At Risk, October 1990.
- Strategic Plan for Colorado's Families and Children: A Preliminary Report on Phase II — Building Capacity for Systems Change. The Colorado Commission on Families and Children, May 1992.

Summaries of meetings conducted by the Task Force on Family Issues on the following dates are available:

August 7, 1991	April 21, 1992
September 3, 1991	May 19, 1992
October 15, 1991	June 16, 1992
November 19, 1991	July 21, 1992
January 14, 1992	August 25, 1992
February 18, 1992	September 9, 1992
March 17, 1992	September 21, 1992
March 28, 1992 - Burlington*	October 7, 1992

- * The meeting held on March 28, 1992, is one of five public hearings that the Task Force conducted. Legislative Council did not staff these hearings; consequently, the council only has a meeting summary for the hearing in Burlington and an audiotape of the meeting in Greeley, held on April 4, 1992.

APPENDIX A

TASK FORCE ON FAMILY ISSUES MEMBERS OF SUBCOMMITTEES

Subcommittee 1 — Common Standards: Child Protection System

David A. Longanecker,
Co-Chairman
Sen. Bob Schaffer
Suzanne Barnard
Adoree Blair
Billie Jean Connor
Mark Dorn
Pam Hinish
Greg McHugh
Sue Meals

Raymond K. Yang Phd.,
Co-Chairman
Wade Livingston
Sarie Patterson
Youlon D. Savage
Kay Stevenson
David Thomas
Madlyn Tombs
Barbara Uhland
Ted Sandoval

Subcommittee 2 — Treatment Programs: Child Abusers and Victims

David Thomas, Chairman
Pat Ballew
Cyril "Skip" Barber
Linda Cutshall
Christine Laposa
Sue Meals
Pat Patterson

Dennis S. Schwartz
Marie Thiel
Jill Topper
Regina Walter
Trudy Whiteman
Chriss Youngquist

Subcommittee 3 — Courts

The Hon. Jonathan W. Hays,
Chairman
Rep. Betty Swenson
Joan Burleson
Linda Cutshall
John Franklin
Natalie Hanlon

Norma Hill
Debra Houlihan
Julie Laquey
Sue Meals
Dennis S. Schwartz
Shari F. Shink
Marie Watton

Subcommittee 4 — Child Custody

Shari F. Shink, Chairman
The Hon. Jonathan W. Hays
Rep. Norma Anderson
Rep. Robert Eisenach
J. Andrew Gadd
Natalie Hanlon
Grisel Garcia-McConnell
John Franklin

Lou Kelly
Julie Laquey
Larry Martin
Bonnie McManus
Guy Van Meulebrouck
Jill Topper
Barbara Uhland

Subcommittee 5 — Legislative Oversight Committee

Rep. Pat Miller, Chairman
Sen. David Leeds
Rep. Dorothy Rupert
Rep. Betty Swenson
Susan Klein-Rothschild
Dennis S. Schwartz
Merril Stern
Barbara Uhland

Don Bross
Billie Jean Connor
Mary Hess
Marilyn Pollard
Shari F. Shink
John Van Sciver
Edward Viverski

**Subcommittee 6 — Definitions:
"Reasonable Effort" and "Emotional Abuse"**

Marcia M. Hughes,
Co-Chairman
Rep. Robert Eisenach
Rep. Michelle Lawrence
Jane Beveridge
Julie Laquey
Laura Michaels

Patricia Schene,
Co-Chairman
Youlon D. Savage
Terry Schwartz
Maxine Shideler
Edward Vivirski
Rita Wiley

Subcommittee 7 — Family Preservation

Charles Shannon, Chairman
Sen. Jana Mendez
Rep. Dorothy Rupert
Brenda Bender
George Brantley
Ramon Del Castillo
Arnitha Frazee
Sandra Harris

Norma Hill
Stephan McGavran
Barbara McDonnell
Ken Seeley
Jacquelyn Stanton
Robert Squier
Chriss Youngquist

Subcommittee 8 — Marital Settlement Issues

Sen. Pat Pascoe, Chairman
Cathlin Donnell
J. Andrew Gadd
Mark Entrekin
Larry Martin
Monika Miles

George Kalousek
Stanley Lipkin
Helen Shreves
Judge Joyce Steinhardt
Katherine Tamblyn

APPENDIX B

LETTERS REQUESTED BY THE TASK FORCE



TASK FORCE ON FAMILY ISSUES

October 1, 1992

Dear Denver Area Legislator:

MEMBERS

Sen. Bonnie Allison
Chairman

Rep. Betty Swenson
Vice Chairman

Sen. David Leeds
Sen. Jana Mendez
Rep. Pat Miller
Rep. Dorothy Rupert

The Hon. Jonathan W. Hays
Marcia M. Hughes
Wade Livingston
David A. Longanecker
Barbara McDonnell
Dr. William T. Randall
Susan Klein-Rothschild
Youlon D. Savage
Dennis S. Schwartz
Charles Shannon
Shari Shink (ex-officio)
Merril Stern
David Thomas
Barbara Uhland
Chriss Youngquist

One of the charges of the Family Issues Task Force, created by Senate Bill 91-16, was to determine the need for creating a family court system in Colorado. After consideration of the issue, the task force recommended a legislative proposal that requires the State Court Administrator to examine the existing court structure and report to the General Assembly by January 1995 concerning the need to implement a family court system. This court system would hear cases on all domestic issues, including divorce, child custody, child support, visitation, adoption, paternity, abuse, dependency and neglect, delinquency, truancy, and other cases involving children and families.

In 21 of the 22 judicial districts, the district court has broad jurisdiction over domestic issues. In these districts, a family court could be created as a division of the district court. However, the City and County of Denver (judicial district two) has three courts charged with considerable jurisdiction over domestic matters: a probate court, a juvenile court and a district court. The probate and juvenile courts are established by Section 1 of Article VI of the Colorado Constitution. The probate court has exclusive jurisdiction over guardianship and conservatorship issues (Article VI, Section 9 (3) of the state Constitution), the juvenile court has jurisdiction over certain matters pertaining to juveniles (13-8-103 C.R.S.), and the district court hears the bulk of the remaining cases concerning domestic matters.

If the State Court Administrator recommends the creation of a family court in each judicial district and if the General Assembly concurs, the Task Force requests that legislation be drafted to modify current statute and, if necessary, amend the state constitution in order to allow one court in the City and County of Denver to have jurisdiction over the domestic issues to be consolidated under a family court system.

Thank you for your consideration in this matter.

Sincerely yours,

Senator Bonnie Allison
Family Issues Task Force Chairman

COLORADO GENERAL ASSEMBLY

OFFICERS

Sen. Ted L. Strickland
Chairman
Rep. Chuck Berry
Vice Chairman

STAFF

Charles S. Brown
Director
David Hite
Deputy Director
Stanley D. Eofson
Assistant Director



LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
(303) 866-3521

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Rep. Scott McInnis
Rep. Paul Schauer
Rep. Samuel Williams
Rep. Ruth Wright

June 30, 1992

To Members of the Fifty-Eighth Colorado General Assembly:

The Task Force on Family Issues submits herewith a report to the General Assembly as required by Senate Bill 91-16, the authorizing legislation for the Task Force. Written by the Colorado Commission on Families and Children, "The Strategic Plan for Colorado's Families and Children" documents the implementation of recommendations made by the Policy Academy on Children and Families and the Colorado Commission on Families and Children, established by executive order on October 4, 1990.

The Task Force has met with the Colorado Commission on Families and Children several times over the past year as part of a mutual effort to discuss family preservation issues. The Task Force has endorsed the recommendations of the enclosed report and further recommends that the Governor's office and the General Assembly continue to work together to achieve the goals set forth in the report.

Sincerely,

Senator Bonnie Allison

Senator Bonnie Allison,
Task Force on Family Issues

BY REPRESENTATIVE Anderson;
also SENATOR Leeds.

A BILL FOR AN ACT

101 CONCERNING METHODS FOR INVESTIGATING CHILD ABUSE REPORTS, AND, IN
102 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the state board of social services to adopt rules to determine the risk of harm to a child who is the subject of a report of intrafamilial child abuse and to provide for the appropriate response to such risks.

Mandates that interviews of children during child abuse investigations be videotaped by competent interviewers. Exempts from the videotape requirement interviews where a child may be traumatized. Specifies that video equipment shall, to the extent practicable, be removed from the child's view. Directs agencies responsible for investigating child abuse reports to provide equipment and training for interviewers and to adopt standards for conducting interviews. Allows for only one investigative videotaped interview of a child, unless the interviewer or investigating agency determines that additional interviews are necessary to complete an investigation. Directs that additional interviews be conducted, where possible, by the same interviewer. Allows for videotaped interviews after an action has been filed upon order of the court for good cause shown.

Makes an appropriation.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 19-3-308 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - child protection team. (1) (a) The county department shall

1 ~~make an appropriate investigation~~ RESPOND immediately upon receipt of any report
2 of a known or suspected incident of intrafamilial abuse or neglect TO ASSESS THE
3 ABUSE INVOLVED AND THE APPROPRIATE RESPONSE TO THE REPORT. THE
4 ASSESSMENT SHALL BE IN ACCORDANCE WITH RULES ADOPTED BY THE STATE
5 BOARD OF SOCIAL SERVICES TO DETERMINE THE RISK OF HARM TO SUCH CHILD
6 AND THE APPROPRIATE RESPONSE TO SUCH RISKS. APPROPRIATE RESPONSES SHALL
7 INCLUDE, BUT ARE NOT LIMITED TO, SCREENING REPORTS THAT DO NOT REQUIRE
8 FURTHER INVESTIGATION, PROVIDING APPROPRIATE INTERVENTION SERVICES,
9 PURSUING REPORTS THAT REQUIRE FURTHER INVESTIGATION, AND CONDUCTING
10 IMMEDIATE INVESTIGATIONS. The immediate concern of ~~such~~ ANY ASSESSMENT
11 OR investigation shall be the protection of the child, AND, IF APPROPRIATE, THE
12 PRESERVATION OF THE FAMILY UNIT.

(b) THE RULES REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE ADOPTED ON OR BEFORE JANUARY 1, 1994.

SECTION 2. 19-3-308.5, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-308.5. Recorded interviews of child. (1) (a) ~~Except as otherwise provided in paragraph (b) of this subsection (1),~~ Any interview of a child conducted pursuant to section 19-3-308, concerning a report of ~~sexual~~ CHILD abuse, ~~may be audiotaped; or, if funds are available, such interviews may~~ SHALL be videotaped BY A COMPETENT INTERVIEWER FOR THE AGENCY RESPONSIBLE FOR THE INVESTIGATION IN ACCORDANCE WITH SUCH SECTION; EXCEPT THAT AN INTERVIEW SHALL NOT BE VIDEOTAPED WHEN DOING SO WILL RESULT IN TRAUMA

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1 TO THE CHILD, AS DETERMINED BY THE INVESTIGATING AGENCY. ANY VIDEOTAPE
2 EQUIPMENT USED FOR AN INTERVIEW SHALL, TO THE EXTENT PRACTICABLE, BE
3 OUT OF THE CHILD'S VIEW AND NO MORE THAN ONE VIDEOTAPED INTERVIEW
4 SHALL BE CONDUCTED, UNLESS THE INTERVIEWER OR THE INVESTIGATING AGENCY
5 DETERMINES THAT ADDITIONAL INTERVIEWS ARE NECESSARY TO COMPLETE AN
6 INVESTIGATION. ADDITIONAL INTERVIEWS SHALL BE CONDUCTED, TO THE EXTENT
7 POSSIBLE, BY THE SAME INTERVIEWER. Such recordings shall be preserved as
8 evidence in the manner and for a period provided by law for maintaining such
9 evidence. In addition, access to such recordings shall be subject to the rules of
10 discovery under the Colorado rules of criminal and civil procedure.

11 ~~(b) If an allegation of sexual abuse arises during the course of a nontaped~~
12 ~~interview with a child, such interview may proceed with questions concerning~~
13 ~~sexual abuse without being taped.~~

14 (c) The provisions of this subsection (1) shall not apply to a videotaped
15 deposition taken in accordance with and governed by section 18-3-413, C.R.S., OR
16 SECTION 13-25-132, C.R.S., and rule 15 (d) of the Colorado rules of criminal
17 procedure. IN ADDITION, THIS SECTION SHALL NOT APPLY TO INTERVIEWS OF THE
18 CHILD CONDUCTED AFTER A DEPENDENCY AND NEGLECT ACTION OR A CRIMINAL
19 ACTION HAS BEEN FILED WITH THE COURT; EXCEPT THAT SUCH INTERVIEWS SHALL
20 BE CONDUCTED ONLY UPON ORDER OF THE COURT FOR GOOD CAUSE SHOWN.

21 ~~(d) Nothing in this section shall be construed to require the audiotaping~~
22 ~~or videotaping of such interviews, except as otherwise provided in paragraph (c)~~
23 ~~of this subsection (1).~~

1 (e) (I) ANY AGENCY SUBJECT TO THE PROVISIONS OF THIS SECTION
2 SHALL PROVIDE EQUIPMENT NECESSARY TO VIDEOTAPE INTERVIEWS AND SHALL
3 TRAIN PERSONS RESPONSIBLE FOR CONDUCTING VIDEOTAPED INTERVIEWS IN
4 ACCORDANCE WITH THIS SECTION. THE AGENCY SHALL ADOPT STANDARDS FOR
5 PERSONS CONDUCTING SUCH INTERVIEWS.

6 (II) THE STANDARDS REQUIRED IN SUBPARAGRAPH (I) OF THIS
7 PARAGRAPH (e) SHALL BE ADOPTED ON OR BEFORE JANUARY 1, 1994.

8 SECTION 3. 26-1-111 (2), Colorado Revised Statutes, 1989 Repl. Vol.,
9 as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW
10 PARAGRAPHS to read:

11 26-1-111. Activities of the state department. (2) The state department
12 shall:

13 (g) PROMULGATE RULES IN ACCORDANCE WITH SECTION 19-3-308 (1),
14 C.R.S., FOR DETERMINING THE RISK OF HARM TO A CHILD WHO IS THE SUBJECT
15 OF A CHILD ABUSE AND NEGLECT REPORT SETTING FORTH THE APPROPRIATE
16 RESPONSE BY THE COUNTY DEPARTMENTS TO SUCH RISKS;

17 (r) ADOPT STANDARDS FOR CONDUCTING VIDEOTAPED CHILD ABUSE
18 INTERVIEWS IN ACCORDANCE WITH SECTION 19-3-308.5 (1) (e), C.R.S.

19 SECTION 4. Appropriation. In addition to any other appropriation,
20 there is hereby appropriated, out of any moneys in the general fund not otherwise
21 appropriated, to the department of social services, for the fiscal year beginning July
22 1, 1993, the sum of _____ dollars (\$), or so much thereof as may be
23 necessary, for the implementation of this act.

1 **SECTION 5. Effective date.** Section 19-3-308 (1) (b), Colorado
2 Revised Statutes, section 19-3-308.5 (1) (e) (II), Colorado Revised Statutes, and
3 sections 3 through 6 of this act shall take effect upon passage, and the remainder
4 of this act shall take effect January 1, 1994.

5 **SECTION 6. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate preservation
7 of the public peace, health, and safety.

BY SENATOR Johnson

A BILL FOR AN ACT

101 CONCERNING THE STATEWIDE IMPLEMENTATION OF A QUALITY ASSURANCE
102 PROCESS IN CONNECTION WITH CHILD ABUSE AND NEGLECT CASES
103 OVERSEEN BY COUNTY DEPARTMENTS OF SOCIAL SERVICES, AND, IN
104 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Directs the executive director of the state department of social services to adopt rules requiring the county departments of social services to establish and implement a quality assurance process which provides a forum for resolving grievances against the county department in regard to the handling of child abuse and neglect cases by county department staff.

Makes an appropriation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 19-1-120 (2), Colorado Revised Statutes, 1986 Repl. Vol.,
3 as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **19-1-120. Confidentiality of records - dependency and neglect.**

5 (2) Only the following persons or agencies shall be given access to child abuse or
6 neglect records and reports:

7 (p) THE QUALITY ASSURANCE REPRESENTATIVE AND MEMBERS OF THE

1 REVIEW BOARD APPOINTED IN ACCORDANCE WITH SECTION 19-3-308.7 FOR THE
2 PURPOSE OF REVIEWING COMPLAINTS CONCERNING THE MANNER IN WHICH CHILD
3 ABUSE INVESTIGATIONS ARE CONDUCTED BY OR THROUGH THE COUNTY
4 DEPARTMENTS OF SOCIAL SERVICES; EXCEPT THAT NO IDENTIFYING INFORMATION
5 CONCERNING ANY PERSON WHO REPORTED THE CHILD ABUSE OR NEGLECT SHALL
6 BE DISCLOSED.

7 **SECTION 2.** Part 3 of article 3 of title 19, Colorado Revised Statutes,
8 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW
9 SECTION to read:

10 **19-3-308.7. Quality assurance process - review board - rules.** (1) ON
11 OR BEFORE JANUARY 1, 1994, THE EXECUTIVE DIRECTOR OF THE STATE
12 DEPARTMENT OF SOCIAL SERVICES SHALL ADOPT RULES THAT REQUIRE EACH
13 COUNTY DEPARTMENT OF SOCIAL SERVICES TO ADOPT AND IMPLEMENT A QUALITY
14 ASSURANCE PROCESS NO LATER THAN JULY 1, 1994, FOR THE PURPOSE OF
15 PROVIDING A FORUM THROUGH WHICH A PERSON MAY RESOLVE A GRIEVANCE
16 AGAINST THE COUNTY DEPARTMENT IN REGARD TO THE WAY IN WHICH THE
17 COUNTY DEPARTMENT STAFF RESPOND TO A REPORT OF CHILD ABUSE AND
18 NEGLECT. FOR THE PURPOSES OF THIS SECTION, RESPONDING TO REPORTS
19 INCLUDES, BUT IS NOT LIMITED TO, PROVIDING INFORMATION, INVESTIGATIONS,
20 PREPARING SOCIAL STUDIES, INITIATING DEPENDENCY AND NEGLECT PROCEEDINGS,
21 AND TAKING ANY ACTION IN REGARD TO THE PLACEMENT OF A CHILD.

22 (2) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF SOCIAL
23 SERVICES SHALL ADOPT RULES NECESSARY FOR THE ESTABLISHMENT AND

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BILL 2

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1 IMPLEMENTATION OF THE QUALITY ASSURANCE PROCESS AND SHALL PROVIDE, AT
2 A MINIMUM, FOR THE FOLLOWING:

3 (a) THE DESIGNATION OF A QUALITY ASSURANCE REPRESENTATIVE WHO
4 SHALL BE RESPONSIBLE FOR SERVING AS A LIAISON BETWEEN COMPLAINANTS AND
5 THE COUNTY DEPARTMENT OF SOCIAL SERVICES AND FOR DEVELOPING A PLAN FOR
6 RESOLVING DISPUTES BETWEEN SUCH PARTIES. SUCH A PLAN SHALL BE
7 DEVELOPED WITHIN SEVEN DAYS AFTER THE DATE THE REPRESENTATIVE RECEIVES
8 A COMPLAINT.

9 (b) THE USE OF A REVIEW BOARD, WHOSE MEMBERS SHALL BE
10 APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE PURPOSE OF
11 REVIEWING THE PLAN DEVELOPED BY THE QUALITY ASSURANCE REPRESENTATIVE
12 IF SUCH PLAN IS CONTESTED BY ANY PARTY INVOLVED IN THE DISPUTE. SUCH
13 REVIEW SHALL BE COMPLETED, INCLUDING NOTICE TO THE PARTIES OF THE
14 BOARD'S DECISION, WITHIN FOURTEEN DAYS AFTER THE RECEIPT OF AN APPEAL.

15 (c) AN APPEAL TO THE DIRECTOR OF THE COUNTY DEPARTMENT OF
16 SOCIAL SERVICES OR TO SUCH DIRECTOR'S DESIGNEE FOR REVIEW OF THE REVIEW
17 BOARD'S DECISION AND FINAL DISPOSITION WITHIN SEVEN DAYS AFTER RECEIPT OF
18 SUCH APPEAL. SUCH DISPOSITION SHALL BE FINAL AGENCY ACTION SUBJECT TO
19 JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 24-4-106, C.R.S.; EXCEPT THAT
20 THE AGENCY'S ACTION SHALL BE REVIEWED BY THE DISTRICT COURT WHICH HAS
21 JURISDICTION OVER THE CHILD.

22 (d) AUTOMATIC REVIEW BY THE NEXT LEVEL WHERE THE PERSON OR
23 BODY RESPONSIBLE FOR REVIEW IN PARAGRAPHS (a) TO (c) OF THIS SUBSECTION

1 (2) FAILS TO COMPLETE A REVIEW WITHIN THE TIME SET FORTH IN SUCH
2 PARAGRAPHS.

3 (e) THE INCLUSION OF CASE REASSIGNMENT AS A POSSIBLE RESOLUTION
4 TO THE DISPUTE; EXCEPT THAT SPECIFIED CRITERIA ESTABLISHED BY THE STATE
5 BOARD OF SOCIAL SERVICES SHALL BE MET IN ORDER FOR A CASE TO BE
6 REASSIGNED;

7 (f) THE DISCLOSURE OF INFORMATION CONCERNING THE QUALITY
8 ASSURANCE PROCESS TO PERSONS WHO ARE THE SUBJECT OF ANY CHILD ABUSE OR
9 NEGLECT REPORT AND TO ANY FAMILY WHOSE CHILD IS THE SUBJECT OF ANY
10 CHILD ABUSE OR NEGLECT REPORT;

11 (g) ACCESS BY THE QUALITY ASSURANCE REPRESENTATIVE AND THE
12 REVIEW BOARD TO CHILD ABUSE OR NEGLECT RECORDS AND REPORTS, WHICH
13 SHALL BE REVIEWED SOLELY FOR THE PURPOSE OF REVIEWING GRIEVANCES AS
14 PROVIDED BY THIS SECTION; EXCEPT THAT NO IDENTIFYING INFORMATION
15 CONCERNING ANY PERSON WHO REPORTED CHILD ABUSE OR NEGLECT SHALL BE
16 DISCLOSED;

17 (h) A SYSTEM FOR MONITORING COMPLIANCE WITH THIS SECTION.

18 SECTION 3. 26-1-111 (2), Colorado Revised Statutes, 1989 Repl. Vol.,
19 as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:
20 26-1-111. Activities of the state department. (2) The state department
21 shall:

22 (q) ADOPT EXECUTIVE DIRECTOR RULES NECESSARY TO IMPLEMENT A
23 QUALITY ASSURANCE PROCESS IN ACCORDANCE WITH SECTION 19-3-308.7, C.R.S.

1 **SECTION 4. Appropriation.** In addition to any other appropriation,
2 there is hereby appropriated, out of any moneys in the general fund not otherwise
3 appropriated, to the department of social services, for the fiscal year beginning July
4 1, 1993, the sum of _____ dollars (\$), or so much thereof as may be
5 necessary, for the implementation of this act.

6 **SECTION 5. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate preservation
8 of the public peace, health, and safety.

BY SENATOR Mendez

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF PROGRAMS RELATING TO CHILD ABUSE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Creates a commission for child abuse prevention and treatment and establishes the membership of such commission and delineates the duties of such commission. Prescribes additional duties for the Colorado children's trust fund board concerning the prevention of child abuse or neglect. Imposes a surcharge upon all persons convicted of child abuse and crimes involving domestic violence, and directs the proceeds of such surcharge to the child abuse prevention and treatment fund. Permits the appropriation of moneys from such fund for the operation of the commission for child abuse prevention and treatment and for other programs for the prevention and treatment of child abuse.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 3 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 8

CHILD ABUSE PREVENTION AND TREATMENT ACT

19-3-801. Legislative declaration. THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE CHILDREN OF THIS STATE HAVE THE RIGHT TO GROW UP IN AN ENVIRONMENT FREE FROM CHILD ABUSE AND OTHER FORMS OF DOMESTIC

VIOLENCE INVOLVING CHILDREN AND THAT THE PREVENTION OF CHILD ABUSE AND OTHER FORMS OF DOMESTIC VIOLENCE INVOLVING CHILDREN IS A PRIMARY GOAL OF THE CITIZENS OF THE STATE OF COLORADO. THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE EFFECTIVE TREATMENT OF PERSONS WHO HAVE COMMITTED CHILD ABUSE AND OTHER FORMS OF DOMESTIC VIOLENCE INVOLVING CHILDREN IS NECESSARY IN ORDER TO WORK TOWARD THE ELIMINATION OF RECIDIVISM BY SUCH OFFENDERS AND TO PROVIDE A SAFE ENVIRONMENT IN WHICH THE CHILDREN OF THIS STATE MAY GROW TO MATURITY. THEREFORE, THE GENERAL ASSEMBLY HEREBY ENACTS THIS "CHILD ABUSE PREVENTION AND TREATMENT ACT".

19-3-802. Commission for child abuse prevention and treatment - creation - duties. (1) THERE IS HEREBY CREATED, IN THE DEPARTMENT OF SOCIAL SERVICES, A COMMISSION FOR CHILD ABUSE PREVENTION AND TREATMENT WHICH SHALL CONSIST OF TWENTY MEMBERS. THE MEMBERSHIP OF THE COMMISSION SHALL CONSIST OF THE FOLLOWING PERSONS:

- (a) ONE MEMBER REPRESENTING THE JUDICIAL DEPARTMENT APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT;
- (b) ONE MEMBER REPRESENTING THE DEPARTMENT OF EDUCATION APPOINTED BY THE COMMISSIONER OF EDUCATION;
- (c) ONE MEMBER REPRESENTING THE DEPARTMENT OF INSTITUTIONS APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT;
- (d) ONE MEMBER REPRESENTING THE DEPARTMENT OF PUBLIC SAFETY APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT;

1 (e) ONE MEMBER REPRESENTING THE DEPARTMENT OF SOCIAL SERVICES
2 APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT;

3 (f) ONE MEMBER REPRESENTING THE DEPARTMENT OF HEALTH
4 APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT;

5 (g) ONE MEMBER APPOINTED BY THE GOVERNOR WHO IS A LICENSED
6 MENTAL HEALTH PROFESSIONAL WITH RECOGNIZABLE EXPERTISE IN THE
7 TREATMENT OF PERSONS WHO HAVE COMMITTED CHILD ABUSE;

8 (h) ONE MEMBER APPOINTED BY THE GOVERNOR WHO IS A DISTRICT
9 ATTORNEY;

10 (i) ONE MEMBER WHO IS A MEMBER OF THE COLORADO CHILDREN'S
11 TRUST FUND BOARD CREATED PURSUANT TO SECTION 19-3.5-104, OR A PERSON
12 WHO IS A DESIGNATED REPRESENTATIVE OF SUCH BOARD, SELECTED BY A
13 MAJORITY VOTE OF SUCH BOARD;

14 (j) ONE MEMBER APPOINTED BY THE GOVERNOR WHO IS A
15 REPRESENTATIVE OF LAW ENFORCEMENT;

16 (k) ONE MEMBER APPOINTED BY THE GOVERNOR WHO IS A RECOGNIZED
17 EXPERT IN THE FIELD OF TREATMENT OF VICTIMS OF CHILD ABUSE AND WHO CAN
18 REPRESENT CHILD ABUSE VICTIMS AND VICTIMS' RIGHTS ORGANIZATIONS;

19 (l) THREE MEMBERS APPOINTED BY THE GOVERNOR, REPRESENTING THE
20 PRIVATE SECTOR, COMMUNITY SERVICE ORGANIZATIONS, OR PHILANTHROPIC
21 ORGANIZATIONS;

22 (m) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES APPOINTED
23 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, TWO OF WHOM SHALL BE

1 MEMBERS OF THE MAJORITY PARTY AND ONE OF WHOM SHALL BE A MEMBER OF
2 THE MINORITY PARTY; AND

3 (n) THREE MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT OF
4 THE SENATE, TWO OF WHOM SHALL BE MEMBERS OF THE MAJORITY PARTY AND
5 ONE OF WHOM SHALL BE A MEMBER OF THE MINORITY PARTY.

6 (2) THE MEMBERS OF THE COMMISSION SHALL SELECT A PRESIDING
7 OFFICER FOR THE COMMISSION FROM AMONG THE COMMISSION MEMBERS WHO ARE
8 MEMBERS OF THE GENERAL ASSEMBLY.

9 (3) (a) ANY MEMBER OF THE COMMISSION CREATED IN SUBSECTION (1)
10 OF THIS SECTION WHO IS APPOINTED PURSUANT TO PARAGRAPHS (a) THROUGH (e)
11 OF SUBSECTION (1) OF THIS SECTION SHALL SERVE AT THE PLEASURE OF THE
12 OFFICIAL WHO APPOINTED SUCH MEMBER, FOR A TERM WHICH SHALL NOT EXCEED
13 FOUR YEARS. SUCH MEMBERS SHALL SERVE WITHOUT ADDITIONAL COMPENSATION.

14 (b) ANY MEMBER OF THE COMMISSION CREATED IN SUBSECTION (1) OF
15 THIS SECTION WHO IS APPOINTED PURSUANT TO PARAGRAPHS (f) THROUGH (j) OF
16 SUBSECTION (1) OF THIS SECTION SHALL SERVE FOR A TERM OF FOUR YEARS. SUCH
17 MEMBERS SHALL SERVE WITHOUT COMPENSATION.

18 (4) THE COMMISSION SHALL MEET AT LEAST ONCE EACH QUARTER
19 THROUGHOUT THE YEAR AND CARRY OUT THE FOLLOWING DUTIES:

20 (a) DEVELOP TRAINING PROGRAMS ON CHILD ABUSE AND NEGLECT FOR
21 PROFESSIONALS DEALING WITH CHILDREN, YOUTH, AND FAMILIES, WHICH
22 PROGRAMS ARE ACCESSIBLE BY EMPLOYEES OF THE VARIOUS EXECUTIVE AND
23 JUDICIAL DEPARTMENTS WHO DEAL WITH CHILDREN, YOUTH, AND FAMILIES;

1 (b) DEVELOP AND IMPLEMENT A STATE PLAN TO CREATE AND
2 COORDINATE CHILD ABUSE TREATMENT PROGRAMS;

3 (c) PROMOTE THE ESTABLISHMENT OF, OR THE DESIGNATION OF
4 EXISTING BODIES TO ACT AS, CHILD ABUSE TREATMENT TASK FORCES IN EACH
5 COUNTY, CITY AND COUNTY, OR JUDICIAL DISTRICT, TO ENSURE COMMUNITY
6 PARTICIPATION IN THE DEVELOPMENT OF LOCAL CHILD ABUSE TREATMENT
7 PROGRAMS AND POLICIES;

8 (d) ESTABLISH A WORKING RELATIONSHIP WITH A CENTER FOR
9 RESEARCH AND EVALUATION OF CHILD ABUSE TREATMENT IN AN ACADEMIC
10 INSTITUTION TO EVALUATE EXISTING CHILD ABUSE TREATMENT SERVICES AND THE
11 DELIVERY OF SUCH SERVICES AND MAKE RECOMMENDATIONS FOR IMPROVEMENTS
12 IN SUCH SERVICES;

13 (e) ESTABLISH A WORKING RELATIONSHIP WITH A CLEARINGHOUSE
14 WHICH WOULD DOCUMENT AND DISSEMINATE INFORMATION ON PROGRAMS
15 DESIGNED TO REDUCE AND ELIMINATE CHILD ABUSE;

16 (f) DEVELOP A PLAN FOR THE ALLOCATION OF MONEYS DEPOSITED IN
17 THE CHILD ABUSE PREVENTION AND TREATMENT FUND CREATED PURSUANT TO
18 SECTION 18-22-102, C.R.S., AMONG THE COMMISSION, THE COLORADO
19 CHILDREN'S TRUST FUND CREATED IN SECTION 19-3.5-106, AND VARIOUS
20 EXECUTIVE AND JUDICIAL DEPARTMENTS. THE PLAN DEVELOPED PURSUANT TO
21 THIS PARAGRAPH (f) SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY ON OR
22 BEFORE JANUARY 1, 1994. FOR THE FISCAL YEAR BEGINNING JULY 1, 1994, AND
23 EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE

1 MONEYS FROM THE CHILD ABUSE PREVENTION AND TREATMENT FUND IN
2 ACCORDANCE WITH SUCH PLAN; AND

3 (g) RECEIVE REPORTS FROM THE COLORADO CHILDREN'S TRUST FUND
4 BOARD REGARDING THE PREVENTION OF CHILD ABUSE AND RECOMMEND
5 APPROPRIATE LEGISLATION TO THE GENERAL ASSEMBLY BASED UPON SUCH
6 REPORTS.

7 (5) THE PREVENTION ACTIVITIES DELINEATED IN THIS PART 8 ARE TO BE
8 ADMINISTERED BY THE COLORADO CHILDREN'S TRUST FUND BOARD ESTABLISHED
9 PURSUANT TO ARTICLE 3.5 OF THIS TITLE.

10 (6) THE COMMISSION AND THE INDIVIDUAL MEMBERS THEREOF SHALL
11 BE IMMUNE FROM ANY LIABILITY, WHETHER CIVIL OR CRIMINAL, FOR THE GOOD
12 FAITH PERFORMANCE OF THE DUTIES OF THE COMMISSION AS SPECIFIED IN THIS
13 SECTION.

14 SECTION 2. 19-3.5-105, Colorado Revised Statutes, 1986 Repl. Vol.,
15 as amended, is amended to read:

16 19-3.5-105. Powers and duties of the board. (1) The board shall have
17 the following powers and duties:

18 (a) To provide for the coordination and exchange of information on the
19 establishment and maintenance of prevention programs;

20 (b) To develop and publicize criteria regarding grants from the trust
21 fund, including the duration of grants and any requirements for matching funds
22 which are received from the trust fund;

23 (c) To review and monitor the expenditure of moneys by recipients;

1 (d) To prepare an annual report to the general assembly on the board's
2 activities which include periodic evaluations of the effectiveness of the prevention
3 programs funded by the trust fund;

4 (e) To accept grants from the federal government as well as to solicit and
5 accept contributions, grants, gifts, bequests, and donations from individuals, private
6 organizations, and foundations;

7 (f) To expend moneys of the trust fund for the establishment, promotion,
8 and maintenance of prevention programs, including pilot programs, for programs
9 to prevent and reduce the occurrence of prenatal drug exposure, and for operational
10 expenses of the board;

11 (g) To sue and be sued as a board without individual liability for acts of
12 the board;

13 (h) To exercise any other powers or perform any other duties which are
14 consistent with the purposes for which the board was created and which are
15 reasonably necessary for the fulfillment of the board's responsibilities;

16 (i) To contract with an independent auditor for a yearly financial audit.
17 Copies of this audit shall be sent to the state auditor, members of the joint budget
18 committee, and the chairmen of the senate and house health, environment, welfare
19 and institutions committees. Moneys in the trust fund shall be expended for the
20 yearly financial audit.

21 (j) To establish a classification system for potential recipients based upon
22 need, and the board shall award grants to those classified most needy;

23 (k) TO THE EXTENT ADEQUATE FUNDING IS PROVIDED PURSUANT TO 19-

1 3-802 (4) (f), OR THROUGH GENERAL FUND APPROPRIATIONS, TO DEVELOP AND
2 IMPLEMENT A STATEWIDE PLAN TO CREATE AND COORDINATE CHILD ABUSE
3 PREVENTION PROGRAMS, WHICH SHALL INCLUDE EACH OF THE FOLLOWING
4 COMPONENTS:

5 (I) PRE-NATAL CARE AVAILABLE THROUGHOUT THE STATE;

6 (II) IN-HOSPITAL RISK ASSESSMENT AVAILABLE THROUGHOUT THE STATE;

7 (III) HOME VISITATION;

8 (IV) EDUCATION THROUGH SCHOOLS;

9 (V) TRAINING IN CHILD ABUSE PREVENTION FOR ADULT CARETAKERS OF
10 CHILDREN, INCLUDING PERSONS WHO PROVIDE FOSTER CARE;

11 (VI) TRAINING IN CHILD ABUSE PREVENTION OF PROFESSIONALS IN
12 VARIOUS DISCIPLINES WHO MAY COME INTO CONTACT WITH CHILD ABUSE OR
13 NEGLECT SITUATIONS; AND

14 (VII) ONGOING EVALUATION AND ASSESSMENT OF PROGRAMS TO ENSURE
15 EFFECTIVE ACHIEVEMENT OF PLAN GOALS, SUFFICIENT SERVICES, EFFECTIVE
16 DELIVERY OF SERVICES, COST EFFECTIVENESS, AND THE AVOIDANCE OF
17 DUPLICATION OF SERVICES.

18 (I) TO THE EXTENT ADEQUATE FUNDING IS PROVIDED PURSUANT TO
19 SECTION 19-3-802 (4) (f), OR THROUGH GENERAL FUND APPROPRIATIONS, TO
20 OVERSEE THE DEVELOPMENT OF A HOME VISITATION PILOT PROJECT TO BE
21 CONDUCTED IN FIVE OR SIX COUNTIES WHICH WILL INCLUDE THE COLLECTION OF
22 INFORMATION AND DATA FOR USE IN THE DEVELOPMENT OF THE STATEWIDE PLAN
23 FOR THE PREVENTION OF CHILD ABUSE OR NEGLECT.

1 (m) TO REPORT PERIODICALLY TO THE COMMISSION FOR CHILD ABUSE
2 PREVENTION AND TREATMENT TO RECOMMEND APPROPRIATE AND NEEDED
3 LEGISLATION CONCERNING THE PREVENTION OF CHILD ABUSE OR NEGLECT.

4 SECTION 3. 19-3.5-106 (1), Colorado Revised Statutes, 1986 Repl.
5 Vol., as amended, is amended to read:

6 19-3.5-106. Colorado children's trust fund - creation - source of
7 funds. (1) There is hereby created in the state treasury the Colorado children's
8 trust fund, which shall be administered by the board and which shall consist of:

9 (a) All moneys which shall be transferred thereto in accordance with
10 section 14-2-106 (1) (a), C.R.S.; and

11 (b) All moneys collected by the board pursuant to section 19-3.5-105 (1)

12 (e) from federal grants and other contributions, grants, gifts, bequests, donations,
13 and any moneys appropriated thereto by the state. Such moneys shall be
14 transmitted to the state treasurer for credit to the trust fund; AND

15 (c) ALL MONEYS RECEIVED PURSUANT TO SECTION 19-3-802 (4) (f), OR
16 THROUGH GENERAL FUND APPROPRIATIONS, TO CARRY OUT THE DUTIES
17 PRESCRIBED IN SECTION 19-3.5-105 (1) (k), (l), AND (m).

18 SECTION 4. Title 18, Colorado Revised Statutes, 1986 Repl. Vol., as
19 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

20 ARTICLE 22

21 Surcharge on Child Abuse and Domestic Violence Offenders

22 18-22-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

1 (1) "CONVICTED" AND "CONVICTION" MEANS A PLEA OF GUILTY,
2 INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED SENTENCE
3 UNDER SECTION 16-7-403, C.R.S., OR A VERDICT OF GUILTY BY A JUDGE OR JURY,
4 AND INCLUDES A PLEA OF NO CONTEST ACCEPTED BY THE COURT.

5 (2) "CHILD ABUSE OR DOMESTIC VIOLENCE OFFENSE" MEANS ANY
6 FELONY OR MISDEMEANOR OFFENSE DESCRIBED IN THIS SUBSECTION (2) AS
7 FOLLOWS:

8 (a) CHILD ABUSE, IN VIOLATION OF SECTION 18-6-401; OR

9 (b) ANY OTHER CRIMINAL OFFENSE, THE UNDERLYING FACTUAL BASIS
10 OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT
11 OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), AND FOR WHICH
12 THE PERSON CONVICTED OF SUCH ACT HAS BEEN SENTENCED PURSUANT TO
13 SECTION 18-6-801.

14 18-22-102. Source of revenues - allocation of moneys - fund created.

15 (1) ON AND AFTER JULY 1, 1993, EACH PERSON WHO IS CONVICTED OF A CHILD
16 ABUSE OR DOMESTIC VIOLENCE OFFENSE OCCURRING AFTER SUCH DATE, OR
17 RECEIVES FOR SUCH OFFENSE A DEFERRED SENTENCE PURSUANT TO SECTION
18 16-7-403, C.R.S., SHALL BE REQUIRED TO PAY A SURCHARGE TO THE CLERK OF
19 THE COURT IN WHICH THE CONVICTION OCCURS OR IN WHICH THE DEFERRED
20 SENTENCE IS ENTERED. SUCH SURCHARGE SHALL BE IN THE FOLLOWING
21 AMOUNTS:

22 (a) FOR EACH CLASS 2 FELONY OF WHICH A PERSON IS CONVICTED,
23 THREE THOUSAND DOLLARS;

1 (b) FOR EACH CLASS 3 FELONY OF WHICH A PERSON IS CONVICTED, TWO
2 THOUSAND DOLLARS;

3 (c) FOR EACH CLASS 4 FELONY OF WHICH A PERSON IS CONVICTED, ONE
4 THOUSAND DOLLARS;

5 (d) FOR EACH CLASS 5 FELONY OF WHICH A PERSON IS CONVICTED,
6 SEVEN HUNDRED FIFTY DOLLARS;

7 (e) FOR EACH CLASS 6 FELONY OF WHICH A PERSON IS CONVICTED, FIVE
8 HUNDRED DOLLARS;

9 (f) FOR EACH CLASS 1 MISDEMEANOR OF WHICH A PERSON IS
10 CONVICTED, FOUR HUNDRED DOLLARS;

11 (g) FOR EACH CLASS 2 MISDEMEANOR OF WHICH A PERSON IS
12 CONVICTED, THREE HUNDRED DOLLARS;

13 (h) FOR EACH CLASS 3 MISDEMEANOR OF WHICH A PERSON IS
14 CONVICTED, ONE HUNDRED FIFTY DOLLARS.

15 (2) THE CLERK OF THE COURT SHALL ALLOCATE THE SURCHARGE
16 REQUIRED BY SUBSECTION (1) OF THIS SECTION AS FOLLOWS:

17 (a) FIVE PERCENT SHALL BE RETAINED BY THE CLERK FOR
18 ADMINISTRATIVE COSTS INCURRED PURSUANT TO THIS SUBSECTION (2). SUCH
19 AMOUNT RETAINED SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
20 SHALL CREDIT THE SAME TO THE GENERAL FUND, AND SUCH AMOUNT SHALL BE
21 SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE COSTS OF SUCH
22 ADMINISTRATION.

23 (b) NINETY-FIVE PERCENT SHALL BE TRANSFERRED TO THE STATE

1 TREASURER WHO SHALL CREDIT THE SAME TO THE CHILD ABUSE PREVENTION AND
2 TREATMENT FUND CREATED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

3 (3) THERE IS HEREBY CREATED IN THE STATE TREASURY A CHILD ABUSE
4 PREVENTION AND TREATMENT FUND WHICH SHALL CONSIST OF MONEYS RECEIVED
5 BY THE STATE TREASURER PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF
6 THIS SECTION, ANY MONEYS APPROPRIATED TO SUCH FUND BY THE GENERAL
7 ASSEMBLY, ANY MONEYS DONATED TO SUCH FUND BY PRIVATE INDIVIDUALS,
8 CORPORATIONS, FOUNDATIONS, OR OTHER LEGAL ENTITIES, AND ANY GRANTS
9 FROM THE FEDERAL GOVERNMENT OR OTHER GOVERNMENTAL ENTITIES. ALL
10 INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF THIS FUND SHALL
11 REMAIN IN SUCH FUND AND SHALL NOT REVERT TO THE GENERAL FUND. ANY
12 MONEYS NOT APPROPRIATED BY THE GENERAL ASSEMBLY SHALL REMAIN IN THE
13 CHILD ABUSE PREVENTION AND TREATMENT FUND AND SHALL NOT BE
14 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF
15 ANY FISCAL YEAR. ALL MONEYS IN THE FUND SHALL BE APPROPRIATED
16 ANNUALLY BY THE GENERAL ASSEMBLY TO THE COMMISSION FOR CHILD ABUSE
17 PREVENTION AND TREATMENT OR ANY EXECUTIVE OR JUDICIAL DEPARTMENT,
18 AFTER CONSIDERATION OF THE PLAN DEVELOPED PURSUANT TO SECTION 19-3-802

19 (4) (f), C.R.S., TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
20 THE OPERATION OF THE COMMISSION FOR CHILD ABUSE PREVENTION AND
21 TREATMENT AND THE DEVELOPMENT OF PROGRAMS FOR THE PREVENTION AND
22 TREATMENT OF CHILD ABUSE. AFTER PAYMENT OF THE COSTS ASSOCIATED WITH
23 THE OPERATION OF THE COMMISSION FOR CHILD ABUSE PREVENTION AND

1 TREATMENT, FIFTY PERCENT OF THE FUND SHALL BE APPROPRIATED FOR
2 PREVENTION ACTIVITIES, AND FIFTY PERCENT OF THE FUND SHALL BE
3 APPROPRIATED FOR TREATMENT ACTIVITIES.

4 (4) THE COURT MAY WAIVE ALL OR ANY PORTION OF THE SURCHARGE
5 REQUIRED BY THIS SECTION IF THE COURT FINDS THAT A PERSON CONVICTED OF
6 A CHILD ABUSE OR DOMESTIC VIOLENCE OFFENSE IS INDIGENT OR FINANCIALLY
7 UNABLE TO PAY ALL OR ANY PORTION OF SUCH SURCHARGE. THE COURT SHALL
8 WAIVE ONLY THAT PORTION OF THE SURCHARGE WHICH THE COURT HAS FOUND
9 THAT THE PERSON CONVICTED OF A CHILD ABUSE OR DOMESTIC VIOLENCE
10 OFFENSE IS FINANCIALLY UNABLE TO PAY.

11 **18-22-103. Repeal of article.** THIS ARTICLE IS REPEALED, EFFECTIVE
12 JULY 1, 1998.

13 **SECTION 5. Effective date - applicability.** This act shall take effect
14 July 1, 1993, and shall apply to offenses committed on or after said date.

15 **SECTION 6. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate preservation
17 of the public peace, health, and safety.

Task Force on Family Issues

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A LOCAL FAMILY ISSUES TASK FORCE FOR
102 COUNTIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires each county or city and county in the state to establish or designate a local family issues task force. Describes the composition of the task force. Sets forth the duties and powers of the task force.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 1 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-1-123. Local family issues task force - declaration of statewide concern - creation - duties and powers - report. (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT LAWS AND PROGRAMS THROUGHOUT THE STATE IMPACTING CHILDREN AND YOUTHS AND THEIR FAMILIES ARE MATTERS OF STATEWIDE CONCERN. TO THAT END, ON OR BEFORE JULY 1, 1993, THE GOVERNING BODY OF EACH COUNTY OR CITY AND COUNTY, REFERRED TO IN THIS

SECTION AS "GOVERNING BODY", SHALL ESTABLISH A FAMILY ISSUES TASK FORCE FOR SUCH COUNTY OR CITY AND COUNTY TO COMPILE INFORMATION, EVALUATE, AND SUBMIT TO THE GENERAL ASSEMBLY RECOMMENDATIONS REGARDING PUBLIC SYSTEMS AND SERVICES CONCERNING FAMILIES IN THE COUNTY OR CITY AND COUNTY. THE TASK FORCE SHALL BE INTERDISCIPLINARY, MULTIAGENCY, AND CONSUMER-ORIENTED IN COMPOSITION. THE GOVERNING BODY MAY DESIGNATE AN EXISTING ENTITY TO CARRY OUT THE POWERS AND DUTIES OF THE FAMILY ISSUES TASK FORCE AS SET FORTH IN SUBSECTION (2) OF THIS SECTION. THE GOVERNING BODIES OF ONE OR MORE CONTIGUOUS COUNTIES MAY JOINTLY CREATE OR DESIGNATE A REGIONAL FAMILY ISSUES TASK FORCE TO SERVE SUCH COUNTIES COLLECTIVELY. THE TASK FORCE SHALL ACT IN ACCORDANCE WITH THE POWERS AND DUTIES SET FORTH IN SUBSECTION (2) OF THIS SECTION.

(2) IT SHALL BE THE DUTY OF EACH LOCAL FAMILY ISSUES TASK FORCE TO HOLD PERIODIC MEETINGS TO PERFORM THE FOLLOWING TASKS:

(a) IDENTIFY NECESSARY OR DUPLICATED SERVICES OR GAPS IN SERVICES AT THE LOCAL LEVEL;

(b) DEVELOP PLACEMENT ALTERNATIVE PLANS IN ACCORDANCE WITH SECTION 19-1-116; AND

(c) EVALUATE THE OVERALL EFFECTIVENESS AND COST-EFFICIENCY OF SERVICES AT THE LOCAL LEVEL, INCLUDING ANY PLACEMENT ALTERNATIVE SERVICES OR OTHER RELATED SERVICES.

(3) IN ADDITION TO THE DUTIES PRESCRIBED IN SUBSECTION (2) OF THIS SECTION, EACH LOCAL FAMILY ISSUES TASK FORCE SHALL SUBMIT TO THE

1 GENERAL ASSEMBLY, NO LATER THAN THE FIRST DAY OF OCTOBER, AN ANNUAL
2 REPORT THAT SUMMARIZES THE TASK FORCE ACTIVITIES DURING THE YEAR FOR
3 WHICH SUCH REPORT IS SUBMITTED. IN ADDITION, THE REPORT SHALL IDENTIFY
4 ANY DUPLICATED SERVICES OR GAPS IN SERVICES PROVIDED TO CHILDREN AND
5 YOUTHS AND THEIR FAMILIES AND SHALL MAKE RECOMMENDATIONS CONCERNING
6 THE IMPROVEMENT OF PUBLIC SYSTEMS AND SERVICES INVOLVING CHILDREN AND
7 YOUTHS AND THEIR FAMILIES, INCLUDING RECOMMENDATIONS FOR LEGISLATIVE
8 CHANGES.

9 SECTION 2. Safety clause. The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate preservation
11 of the public peace, health, and safety.

BY SENATOR Wham

A BILL FOR AN ACT

101 CONCERNING COURT PROCEDURES IN DOMESTIC MATTERS, AND MAKING AN
102 APPROPRIATION IN CONNECTION THEREWITH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires that the courts involved in juvenile and domestic matters in every multiple-judge district except Denver, whenever possible, provide that the same judge hear any action brought by or against any member or members of the same family in the following actions regarding: Minors, uniform parentage act, relinquishment and adoption, support, domestic abuse, uniform reciprocal enforcement of support, dissolution of marriage, child custody, placement of children through the interstate compact on juveniles, care and treatment of the mentally ill, or care and treatment of a developmentally disabled person.

Requires the state court administrator to review current court structure in domestic matters and to report to the general assembly on the changes needed to implement a family court system. Defines "family court" to mean one court having jurisdiction over all domestic matters.

Provides that the testimony of a child may be taken by closed circuit television in actions where the court finds that there is a substantial likelihood that the child will suffer emotional or mental harm if required to testify in open court. Establishes a procedure for taking the testimony of a child by closed circuit television.

Requires professionals involved in dissolution, parentage, or juvenile actions to inform the court of any other dissolution, parentage, or juvenile action involving the same family. Except for good cause, requires the parties to a dissolution action to seek mediation services in contested matters prior to setting the matter for a hearing. Except for good cause, requires the parties to a dissolution action to seek nonbinding arbitration in regard to any matter which the parties cannot settle through mediation. Provides that either party may demand a hearing if they are dissatisfied with the decision of the arbitrators. Provides for the

selection of three arbitrators by the parties unless the parties agree to a single arbitrator. Provides that the court shall select the arbitrator or arbitrators if the parties cannot agree. Provides that arbitration hearings shall be informal. Authorizes arbitrators to issue subpoenas for attendance of witnesses and establishes a witness fee. Provides that an arbitrator may not be called to testify at any hearing and that an arbitrator is immune from civil liability arising from the arbitration.

1 Be it enacted by the General Assembly of the State of Colorado:

2 SECTION 1. Article 1 of title 13, Colorado Revised Statutes, 1987

3 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION

4 to read:

5 13-1-133. Family courts - implementation report. (1) THE GENERAL
6 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THERE IS A GREAT
7 NEED TO REEVALUATE THE CURRENT METHODS OF COURT ADMINISTRATION OF
8 DOMESTIC MATTERS. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
9 THAT EFFICIENCY AND JUSTICE ARE BEST SERVED BY PROVIDING FOR ONE FAMILY
10 COURT IN EACH JUDICIAL DISTRICT WHICH HAS JURISDICTION OVER ALL DOMESTIC
11 MATTERS. IT IS FOR THIS REASON THAT THIS SECTION IS ENACTED.

12 (2) ON OR BEFORE JANUARY 1, 1995, THE STATE COURT
13 ADMINISTRATOR SHALL REVIEW THE CURRENT STRUCTURE OF THE COURTS AND
14 SHALL PROVIDE A REPORT TO THE GENERAL ASSEMBLY OF THE CHANGES NEEDED
15 TO IMPLEMENT A FAMILY COURT SYSTEM. FOR PURPOSES OF THIS SECTION,
16 "FAMILY COURT" MEANS ONE COURT WHICH HAS JURISDICTION OVER ALL
17 DOMESTIC MATTERS, INCLUDING BUT NOT LIMITED TO, DISSOLUTION OF
18 MARRIAGE, MARITAL MAINTENANCE, CHILD CUSTODY, CHILD SUPPORT,

1 VISITATION, ADOPTION, PATERNITY, ABUSE, DEPENDENCY AND NEGLECT, 1 C.R.S.;

2 DELINQUENCY, TRUANCY, AND OTHER CASES REGARDING CHILDREN AND FAMILIES.

3 SECTION 2. 13-5-131, Colorado Revised Statutes, 1987 Repl. Vol., is

4 amended to read:

5 13-5-131. Multiple-judge districts. (1) In any district court composed

6 of more than one judge, each of the judges shall sit separately for the trial of

7 causes and the transaction of business and shall have and exercise all the powers

8 and functions, as well in vacation of court as in term time, which he might have

9 and exercise if he were the sole judge of said court.

10 (2) EXCEPT IN THE SECOND JUDICIAL DISTRICT, IN EVERY JUDICIAL

11 DISTRICT COMPOSED OF MORE THAN ONE JUDGE, WHENEVER POSSIBLE, THE SAME

12 JUDGE SHALL HEAR ANY ACTION BROUGHT BY OR AGAINST ANY MEMBER OR

13 MEMBERS OF ONE FAMILY PURSUANT TO ANY OF THE FOLLOWING STATUTORY

14 PROVISIONS:

15 (a) ACTIONS REGARDING MINORS AS SPECIFIED IN PART 1 OF ARTICLE

16 22 OF THIS TITLE;

17 (b) THE "UNIFORM PARENTAGE ACT" AS SPECIFIED IN ARTICLE 4 OF

18 TITLE 19, C.R.S.;

19 (c) RELINQUISHMENT AND ADOPTION PROCEEDINGS AS SPECIFIED IN

20 ARTICLE 5 OF TITLE 19, C.R.S.;

21 (d) SUPPORT PROCEEDINGS AS SPECIFIED IN ARTICLE 6 OF TITLE 19,

22 C.R.S.;

23 (e) DOMESTIC ABUSE ACTIONS AS SPECIFIED IN ARTICLE 4 OF TITLE 14,

(f) THE "REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT

ACT" AS SPECIFIED IN ARTICLE 5 OF TITLE 14, C.R.S.;

(g) THE "UNIFORM DISSOLUTION OF MARRIAGE ACT" AS SPECIFIED IN

ARTICLE 10 OF TITLE 14, C.R.S.;

(h) THE "UNIFORM CHILD CUSTODY JURISDICTION ACT" AS SPECIFIED

IN ARTICLE 13 OF TITLE 14, C.R.S.;

(i) PLACEMENT OF JUVENILES PURSUANT TO THE INTERSTATE COMPACT

ON JUVENILES AS SPECIFIED IN PART 7 OF ARTICLE 60 OF TITLE 24, C.R.S.;

(j) THE CARE AND TREATMENT OF THE MENTALLY ILL AS SPECIFIED IN

ARTICLE 10 OF TITLE 27, C.R.S.; OR

(k) THE CARE AND TREATMENT OF THE DEVELOPMENTALLY DISABLED

AS SPECIFIED IN ARTICLE 10.5 OF TITLE 27, C.R.S.

SECTION 3. Article 25 of title 13, Colorado Revised Statutes, 1987

Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION

to read:

13-25-133. Use of closed circuit television in proceedings involving

child victim of unlawful sexual offense against a child or of child abuse or

neglect. (1) UPON MOTION, AN IN CAMERA HEARING, AND FINDINGS BY THE

COURT THAT THERE IS A SUBSTANTIAL LIKELIHOOD THAT A CHILD VICTIM WILL

SUFFER EMOTIONAL OR MENTAL HARM IF REQUIRED TO TESTIFY IN OPEN COURT,

THE COURT MAY ORDER THAT THE TESTIMONY OF THE CHILD VICTIM BE TAKEN

OUTSIDE THE COURTROOM AND SHOWN BY MEANS OF CLOSED CIRCUIT TELEVISION.

1 THE COURT SHALL MAKE SPECIFIC FINDINGS OF FACT IN MAKING A RULING UNDER
 2 THIS SECTION. FOR THE PURPOSES OF THIS SECTION, "CHILD VICTIM" MEANS A
 3 CHILD WHO IS THE VICTIM OF ANY UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN
 4 SECTION 18-3-411, C.R.S., OR WHO IS THE SUBJECT OF A PROCEEDING ALLEGING
 5 THAT SUCH CHILD IS ABUSED OR NEGLECTED AS A RESULT OF SEXUAL ABUSE, AS
 6 DESCRIBED IN SECTION 19-3-303 (1) (a) (II), C.R.S.

7 (2) A MOTION MAY BE FILED BY THE CHILD VICTIM OR THE CHILD'S
 8 PARENT, LEGAL GUARDIAN, OR GUARDIAN AD LITEM; THE PROSECUTION OR THE
 9 REPRESENTATIVE OF THE PETITIONER, AS SUCH PERSON IS DESCRIBED IN SECTION
 10 19-3-206, C.R.S.; OR THE DEFENDANT, RESPONDENT, OR COUNSEL FOR THE
 11 DEFENDANT OR RESPONDENT; OR THE COURT MAY ENTER AN ORDER PURSUANT TO
 12 THIS SECTION UPON ITS OWN MOTION.

13 (3) ONLY THE FOLLOWING PERSONS MAY BE IN THE ROOM WITH THE
 14 CHILD AT THE TIME THE CHILD TESTIFIES BY CLOSED CIRCUIT TELEVISION:

15 (a) THE PROSECUTION OR THE REPRESENTATIVE OF THE PETITIONER, AS
 16 SUCH PERSON IS DESCRIBED IN SECTION 19-3-206, C.R.S.;

17 (b) COUNSEL FOR THE DEFENDANT OR RESPONDENT;

18 (c) ANY OTHER PERSON WHO, TO THE COURT'S SATISFACTION,
 19 CONTRIBUTES TO THE WELL-BEING OF THE CHILD AND WHO WILL NOT BE A
 20 WITNESS IN THE CASE; AND

21 (d) THE OPERATORS OF THE CLOSED CIRCUIT TELEVISION EQUIPMENT;
 22 EXCEPT THAT SUCH OPERATORS SHALL, TO THE EXTENT POSSIBLE, BE
 23 UNOBTRUSIVE.

1 (4) DURING THE CHILD'S TESTIMONY, THE JUDGE AND THE DEFENDANT
 2 SHALL REMAIN IN THE COURTROOM AND MAY COMMUNICATE BY ANY
 3 APPROPRIATE ELECTRONIC METHOD WITH THE PERSONS IN THE ROOM FROM WHERE
 4 THE CHILD IS TESTIFYING; EXCEPT THAT THE DEFENDANT MAY NOT COMMUNICATE
 5 WITH THE CHILD VICTIM.

6 (5) THIS SECTION SHALL NOT APPLY IN ANY CASE WHERE A DEFENDANT
 7 OR RESPONDENT APPEARS PRO SE.

8 **SECTION 4.** Article 10 of title 14, Colorado Revised Statutes, 1987
 9 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING
 10 NEW SECTIONS to read:

11 **14-10-105.5. Information to be provided to the court.** EVERY
 12 PROFESSIONAL INVOLVED IN ANY ACTION COMMENCED PURSUANT TO THIS ARTICLE
 13 OR PURSUANT TO TITLE 19, C.R.S., WHO HAS KNOWLEDGE THAT THE FAMILY OR
 14 A MEMBER OF THE FAMILY NAMED IN THE ACTION IS ALSO NAMED IN ANOTHER
 15 ACTION COMMENCED PURSUANT TO THIS ARTICLE, ARTICLE 4 OF THIS TITLE, OR
 16 PURSUANT TO TITLE 19, C.R.S., HAS A CONTINUING OBLIGATION TO INFORM THE
 17 COURT OF SAID OTHER ACTION. FOR THE PURPOSES OF THIS SECTION,
 18 "PROFESSIONAL" MEANS A LICENSED ATTORNEY, A PERSON QUALIFIED TO
 19 CONDUCT A CUSTODY EVALUATION PURSUANT TO SECTION 14-10-127, OR A
 20 GUARDIAN AD LITEM. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
 21 REQUIRE A PROFESSIONAL TO VIOLATE ANY ETHICAL REQUIREMENT TO MAINTAIN
 22 THE CONFIDENCES OF A CLIENT.

23 **14-10-107.1. Mediation services.** EXCEPT FOR GOOD CAUSE SHOWN,

1 THE COURT SHALL ORDER THAT PARTIES TO AN ACTION COMMENCED UNDER THIS
2 ARTICLE SEEK MEDIATION SERVICES IN REGARD TO ANY CONTESTED MATTER PRIOR
3 TO SETTING A HEARING ON THE MATTER. GOOD CAUSE SHALL INCLUDE, BUT NOT
4 BE LIMITED TO, AN ALLEGATION THAT ONE PARTY HAS BEEN A VICTIM OF
5 PHYSICAL OR PSYCHOLOGICAL ABUSE BY THE OTHER PARTY. PARTIES REQUIRED
6 TO SEEK MEDIATION SHALL REPORT BACK TO THE COURT ON THE RESULTS OF THE
7 MEDIATION WITHIN SIXTY DAYS. MEDIATION SERVICES SHALL BE PROVIDED IN
8 ACCORDANCE WITH PART 3 OF ARTICLE 22 OF TITLE 13, C.R.S. AT THE END OF
9 THE MEDIATION PERIOD THE COURT MAY APPROVE THE AGREEMENT OF THE
10 PARTIES IN ACCORDANCE WITH SECTION 14-10-112. IF THE PARTIES ARE UNABLE
11 TO REACH AN AGREEMENT THROUGH MEDIATION, THE COURT SHALL REQUIRE THE
12 PARTIES TO ATTEND ARBITRATION AS SET FORTH IN SECTION 14-10-107.3 PRIOR TO
13 SETTING THE MATTER FOR HEARING.

14 **14-10-107.3. Arbitration services.** (1) EXCEPT FOR GOOD CAUSE
15 SHOWN, THE COURT SHALL ORDER THAT PARTIES TO AN ACTION COMMENCED
16 UNDER THIS ARTICLE SEEK NONBINDING ARBITRATION SERVICES IN REGARD TO ANY
17 CONTESTED MATTER WHICH THE PARTIES HAVE BEEN UNABLE TO SETTLE THROUGH
18 MEDIATION PURSUANT TO SECTION 14-10-107.1 PRIOR TO SETTING A HEARING ON
19 THE MATTER. PARTIES REQUIRED TO SEEK NONBINDING ARBITRATION SHALL
20 REPORT BACK TO THE COURT ON THE RESULTS OF THE ARBITRATION WITHIN SIXTY
21 DAYS. THE ARBITRATORS SHALL FILE THEIR DECISION WITH THE COURT WITHIN
22 TEN DAYS OF THE HEARING AND MAIL OR DELIVER A COPY TO EACH PARTY OR
23 EACH PARTY'S ATTORNEY OF RECORD. ANY PARTY WHO IS DISSATISFIED WITH

1 THE DECISION OF THE ARBITRATORS MAY ELECT TO HAVE A HEARING ON THE
2 MATTER BY FILING A DEMAND FOR HEARING WITH THE COURT. THE COURT SHALL
3 APPROVE THE DECISION OF THE ARBITRATOR UNLESS ANY PARTY FILES A DEMAND
4 FOR HEARING ON THE MATTER WITHIN THIRTY DAYS AFTER THE FILING OF THE
5 DECISION OF THE ARBITRATORS. IF NEITHER PARTY DEMANDS A HEARING WITHIN
6 THIRTY DAYS AFTER THE FILING OF THE ARBITRATORS' DECISION, SUCH DECISION
7 SHALL BE FINAL AND ENFORCEABLE. AN ARBITRATOR SHALL NOT BE CALLED AS
8 A WITNESS IN ANY SUBSEQUENT HEARING.

9 (2) (a) EACH PARTY, OR IF THERE ARE MORE THAN TWO PARTIES, EACH
10 SIDE, SHALL SELECT A COMPETENT AND IMPARTIAL ARBITRATOR. THE TWO
11 ARBITRATORS SHALL SELECT A THIRD ARBITRATOR. IF THE TWO ARBITRATORS ARE
12 UNABLE TO AGREE ON THE THIRD ARBITRATOR, ANY PARTY MAY REQUEST THAT
13 THE COURT APPOINT THE THIRD ARBITRATOR IN THE MANNER SPECIFIED IN
14 PARAGRAPH (c) OF THIS SUBSECTION (2).

15 (b) THE PARTIES MAY AGREE TO ARBITRATION BEFORE A SINGLE
16 ARBITRATOR. IF THE PARTIES ARE UNABLE TO AGREE ON THE PERSON TO SERVE
17 AS THE SINGLE ARBITRATOR, ANY PARTY MAY REQUEST THAT THE COURT APPOINT
18 THE ARBITRATOR IN THE MANNER SPECIFIED IN PARAGRAPH (c) OF THIS
19 SUBSECTION (2).

20 (c) IN THE ABSENCE OF AGREEMENT BY THE ARBITRATORS OR THE
21 PARTIES, THE ARBITRATOR SHALL BE APPOINTED BY THE COURT. THE
22 ARBITRATORS NEED NOT BE ATTORNEYS. AN ARBITRATOR SHALL NOT BE
23 APPOINTED UNLESS THE ARBITRATOR IS A QUALIFIED ARBITRATOR AND HAS FILED

1 WITH THE COURT A CONSENT TO ACT AS ARBITRATOR IN THE DISTRICT IN WHICH
2 THE COURT IS LOCATED.

3 (d) COMPENSATION OF ARBITRATORS AND ALL OTHER COSTS AND FEES
4 OF THE ARBITRATION SHALL BE PAID BY THE PARTIES. AT THE CONCLUSION OF
5 ARBITRATION, THE ARBITRATORS SHALL PREPARE AND FILE WITH THE COURT A
6 FINAL BILL OF COSTS AND FEES, AND THE PARTIES SHALL PAY SUCH COSTS AND
7 FEES.

8 (3) (a) HEARINGS SHALL BE AT A TIME AND PLACE SET BY THE
9 ARBITRATORS WITH THE MUTUAL CONSENT OF THE PARTIES. PROCEDURE AT
10 HEARINGS SHALL BE INFORMAL, AND STRICT RULES OF EVIDENCE SHALL NOT BE
11 APPLIED EXCEPT AS DEEMED NECESSARY BY THE ARBITRATORS AND BY THE
12 REQUIREMENTS OF JUSTICE.

13 (b) THE ARBITRATORS MAY ISSUE OR CAUSE TO BE ISSUED SUBPOENAS
14 FOR THE ATTENDANCE OF WITNESSES AND FOR THE PRODUCTION OF BOOKS,
15 RECORDS, DOCUMENTS, AND OTHER EVIDENCE AND SHALL HAVE THE POWER TO
16 ADMINISTER OATHS. SUBPOENAS SO ISSUED SHALL BE SERVED AND, UPON
17 APPLICATION TO THE COURT BY A PARTY OR THE ARBITRATORS, ENFORCED IN THE
18 MANNER PROVIDED BY LAW FOR THE SERVICE AND ENFORCEMENT OF SUBPOENAS
19 IN CIVIL ACTIONS.

20 (c) A PARTY SHALL BE ENTITLED TO ATTEND, PERSONALLY OR WITH
21 COUNSEL, AND PARTICIPATE IN THE PROCEEDINGS. SUCH PARTICIPATION MAY
22 INCLUDE THE FILING OF BRIEFS AND AFFIDAVITS. UPON AGREEMENT OF BOTH
23 PARTIES, THE PROCEEDINGS MAY BE CONFIDENTIAL AND CLOSED TO THE PUBLIC.

1 NO RECORD OF THE PROCEEDINGS IS REQUIRED.

2 (d) FEES FOR ATTENDANCE AS A WITNESS SHALL BE THE SAME AS FOR
3 A WITNESS IN THE DISTRICT COURT.

4 (4) AN ARBITRATOR SHALL BE IMMUNE FROM CIVIL LIABILITY ARISING
5 FROM PARTICIPATION AS AN ARBITRATOR AND FOR ALL COMMUNICATIONS,
6 FINDINGS, OPINIONS, AND CONCLUSIONS MADE IN THE COURSE AND SCOPE OF
7 DUTIES PRESCRIBED IN THIS SECTION.

8 SECTION 5. Article 1 of title 19, Colorado Revised Statutes, 1986
9 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION
10 to read:

11 19-1-123. Information to be provided to the court. EVERY
12 PROFESSIONAL INVOLVED IN ANY ACTION COMMENCED PURSUANT TO THIS TITLE,
13 OR ARTICLE 10 OF TITLE 14, C.R.S., WHO HAS KNOWLEDGE THAT THE FAMILY OR
14 A MEMBER OF THE FAMILY NAMED IN THE ACTION IS ALSO NAMED IN ANOTHER
15 ACTION COMMENCED PURSUANT TO THIS TITLE, OR PURSUANT TO ARTICLE 4 OR
16 10 OF TITLE 14, C.R.S., HAS A CONTINUING OBLIGATION TO INFORM THE COURT
17 OF SAID OTHER ACTION. FOR THE PURPOSES OF THIS SECTION, "PROFESSIONAL"
18 MEANS A LICENSED ATTORNEY, A PERSON QUALIFIED TO CONDUCT A CUSTODY
19 EVALUATION PURSUANT TO SECTION 14-10-127, C.R.S., OR A GUARDIAN AD
20 LITEM. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A
21 PROFESSIONAL TO VIOLATE ANY ETHICAL REQUIREMENT TO MAINTAIN THE
22 CONFIDENCES OF A CLIENT.

23 SECTION 6. Appropriation. In addition to any other appropriation,

1 there is hereby appropriated, out of any moneys in the general fund not otherwise
2 appropriated, to the judicial department, for the fiscal year beginning July 1, 1993,
3 the sum of _____ dollars (\$ _____), or so much thereof as may be
4 necessary, for the implementation of this act.

5 SECTION 7. Effective date. This act shall take effect July 1, 1993.

6 SECTION 8. Safety clause. The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate preservation
8 of the public peace, health, and safety.

Task Force on Family Issues

A BILL FOR AN ACT

101 CONCERNING THE EXCHANGE OF INFORMATION BETWEEN PERSONS INVOLVED IN
102 FAMILY-RELATED MATTERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the state court administrator to establish and administer a program which uses computer technology to link courts involved in juvenile and domestic matters with each other and with state family service agencies.

Allows any court which has jurisdiction over a juvenile or domestic action in which a juvenile is named, any attorney of record in said domestic action, the state department of social services, a custody evaluator, a member of a child protection team, parents, guardians, and guardians ad litem to have access to a juvenile's delinquency records, probation report, and law enforcement records without order of court. Establishes that the statutory list of individuals who have access to dependency and neglect records may obtain the records without a court order. Amends language identifying those persons who have access to dependency and neglect records to conform with federal law. Provides that anyone who obtains information from dependency and neglect records shall not disclose the information to anyone not identified in the statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 SECTION 1. Article 1 of title 13, Colorado Revised Statutes, 1987

3 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION

4 to read:

1 13-1-133. Court automation system - juvenile or domestic actions.

2 (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT
3 THE ACCURATE AND EFFICIENT EXCHANGE OF INFORMATION BETWEEN THE COURTS
4 AND STATE FAMILY SERVICE AGENCIES IS BENEFICIAL IN PROVIDING AID TO
5 FAMILIES IN NEED IN COLORADO. FURTHER, THE GENERAL ASSEMBLY DECLARES
6 THAT THE USE OF A COMPUTER AUTOMATION SYSTEM TO LINK THE COURTS WITH
7 EACH OTHER AND WITH STATE FAMILY SERVICE AGENCIES FOR THE PURPOSE OF
8 THE EXCHANGE OF INFORMATION REGARDING FAMILIES WOULD AID IN
9 IDENTIFYING AND PROVIDING SERVICES TO FAMILIES IN NEED. IT IS FOR THIS
10 REASON THAT THE GENERAL ASSEMBLY HAS ADOPTED THIS SECTION.

11 (2) ON OR BEFORE JANUARY 1, 1995, THE STATE COURT
12 ADMINISTRATOR SHALL ESTABLISH AND ADMINISTER A PROGRAM FOR AUTOMATION
13 OF THE COURT COMPUTER TECHNOLOGY SYSTEMS IN ORDER TO LINK THE
14 JUVENILE COURTS AND DISTRICT COURTS INVOLVED IN DOMESTIC ACTIONS AROUND
15 THE STATE WITH EACH OTHER AND WITH STATE FAMILY SERVICE AGENCIES,
16 INCLUDING, BUT NOT LIMITED TO, THE DEPARTMENT OF SOCIAL SERVICES, THE
17 JUVENILE PROBATION DEPARTMENT, LAW ENFORCEMENT OFFICES, AND ANY OTHER
18 AGENCY INVOLVED IN THE INVESTIGATION, EVALUATION, OR PROVISION OF
19 SERVICES TO FAMILIES INVOLVED IN DOMESTIC ACTIONS PURSUANT TO TITLE 19,
20 C.R.S., AND ARTICLES 4 AND 10 OF TITLE 14, C.R.S. SAID AUTOMATION SYSTEM
21 SHALL PROVIDE THOSE PARTIES LINKED TO THE SYSTEM WITH AUTOMATIC ACCESS
22 TO INFORMATION OBTAINED BY ANY ONE OF THE PARTIES IN REGARD TO A FAMILY
23 OR FAMILY MEMBER INVOLVED IN SAID DOMESTIC ACTIONS; EXCEPT THAT SAID

1 AUTOMATION SYSTEM SHALL NOT INCLUDE INFORMATION WHICH IS REQUIRED TO
2 BE KEPT CONFIDENTIAL UNDER ANY STATE OR FEDERAL LAW.

3 SECTION 2. 19-1-119, Colorado Revised Statutes, 1986 Repl. Vol., as
4 amended, is amended to read:

5 19-1-119. Confidentiality of juvenile records - delinquency.

6 (1) (a) Except as provided in paragraph (b.5) of this subsection (1), court records
7 in juvenile delinquency proceedings or proceedings concerning a juvenile charged
8 with the violation of any municipal ordinance except a traffic ordinance shall be
9 open to inspection to the following persons without court order:

- 10 (I) The juvenile named in said record;
- 11 (II) The juvenile's parent, guardian, or legal custodian;
- 12 (III) Any attorney of record;
- 13 (IV) The juvenile's guardian ad litem;
- 14 (V) The juvenile probation department;
- 15 (VI) Any agency to which legal custody of the juvenile has been
16 transferred; ~~or~~
- 17 (VII) Any local law enforcement agency;
- 18 (VIII) A COURT WHICH HAS JURISDICTION OVER A JUVENILE OR
19 DOMESTIC ACTION IN WHICH THE JUVENILE IS NAMED;
- 20 (IX) ANY ATTORNEY OF RECORD IN A JUVENILE OR DOMESTIC ACTION
21 IN WHICH THE JUVENILE IS NAMED;
- 22 (X) THE STATE DEPARTMENT OF SOCIAL SERVICES;
- 23 (XI) ANY PERSON CONDUCTING A CUSTODY EVALUATION PURSUANT TO

1 SECTION 14-10-127, C.R.S.; OR

2 (XII) ALL MEMBERS OF A CHILD PROTECTION TEAM.

3 (b) With consent of the court, records of court proceedings in
4 delinquency cases may be inspected by any other person having a legitimate
5 interest in the proceedings and by persons conducting pertinent research studies.

6 (b.5) Court records in juvenile delinquency proceedings concerning a
7 juvenile who is adjudicated a juvenile delinquent for the commission of a
8 delinquent act which would constitute a class 1, 2, 3, or 4 felony if such juvenile
9 were an adult shall be open to the public. However, any psychological profile of
10 any such juvenile, any intelligence test results for any such juvenile, or any
11 information regarding whether such juvenile has been sexually abused shall not be
12 open to the public unless released by an order of the court.

13 (c) A juvenile probation officer's records, whether or not part of the
14 court file, shall not be open to inspection except as provided in subparagraphs (I)
15 ~~and (II)~~ TO (IX) of this paragraph (c):

- 16 (I) To persons who have the consent of the court;
- 17 (II) To law enforcement officers, as defined in section 19-1-103 (17.5),
18 the inspection shall be limited to the following information:
- 19 (A) Basic identification information as defined in section 24-72-302 (2),
20 C.R.S.;
- 21 (B) Details of the offense and delinquent acts charged;
- 22 (C) Restitution information;
- 23 (D) Juvenile record;

- 1 (E) Probation officer's assessment and recommendations;
- 2 (F) Conviction or plea and plea agreement, if any;
- 3 (G) Sentencing information; and
- 4 (H) Summary of behavior while the juvenile was in detention, if any.

5 (III) TO A COURT WHICH HAS JURISDICTION OVER A JUVENILE OR
6 DOMESTIC ACTION IN WHICH THE JUVENILE IS NAMED;

7 (IV) TO ANY ATTORNEY OF RECORD IN A JUVENILE OR DOMESTIC
8 ACTION IN WHICH THE JUVENILE IS NAMED;

9 (V) TO THE STATE DEPARTMENT OF SOCIAL SERVICES;

10 (VI) TO ANY PERSON CONDUCTING A CUSTODY EVALUATION PURSUANT
11 TO SECTION 14-10-127, C.R.S.;

12 (VII) TO ALL MEMBERS OF A CHILD PROTECTION TEAM;

13 (VIII) TO THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN;

14 OR

15 (IX) TO THE JUVENILE'S GUARDIAN AD LITEM.

16 (d) Any social and clinical studies, whether or not part of the court file,
17 shall not be open to inspection except by consent of the court.

18 (2) (a) The records of law enforcement officers concerning juveniles,
19 including identifying information, shall be identified as juvenile records and shall
20 not be inspected by or disclosed to the public, except:

21 (I) To the juvenile and his parent, guardian, or legal custodian;

22 (II) To other law enforcement agencies who have a legitimate need for
23 such information;

1 (III) To the victim in each case after authorization by the district attorney
2 or prosecuting attorney;

3 (IV) When the juvenile has escaped from an institution to which he has
4 been committed;

5 (V) When the court orders that the juvenile be tried as an adult criminal;

6 (VI) When there has been an adult criminal conviction and a presentence
7 investigation has been ordered by the court; or

8 (VII) By order of the court;

9 (VIII) TO A COURT WHICH HAS JURISDICTION OVER A JUVENILE OR
10 DOMESTIC ACTION IN WHICH THE JUVENILE IS NAMED;

11 (IX) TO ANY ATTORNEY OF RECORD IN A JUVENILE OR DOMESTIC
12 ACTION IN WHICH THE JUVENILE IS NAMED;

13 (X) TO THE STATE DEPARTMENT OF SOCIAL SERVICES;

14 (XI) TO ANY PERSON CONDUCTING A CUSTODY EVALUATION PURSUANT
15 TO SECTION 14-10-127, C.R.S.;

16 (XII) TO ALL MEMBERS OF A CHILD PROTECTION TEAM; OR

17 (XIII) TO THE JUVENILE'S GUARDIAN AD LITEM.

18 (b) The fingerprints, photograph, name, address, and other identifying
19 information regarding a juvenile may be transmitted to the Colorado bureau of
20 investigation to assist in any apprehension or investigation.

21 (3) Prior to adjudication, the defense counsel, the district attorney, the
22 prosecuting attorney, or any other party with consent of the court shall have access
23 to records of any proceedings pursuant to this title, except as provided in section

1 19-1-122, which involve a juvenile against whom criminal or delinquency charges
2 have been filed. No new criminal or delinquency charges against such juvenile
3 shall be brought based upon information gained initially or solely from such
4 examination of records.

5 (4) For the purpose of making recommendations concerning sentencing
6 after an adjudication of delinquency, the defense counsel and the district attorney
7 or prosecuting attorney shall have access to records of any proceedings involving
8 the adjudicated juvenile pursuant to this title, except as provided in sections
9 19-1-120, 19-1-121, and 19-1-122. No new criminal or delinquency charges
10 against the adjudicated juvenile shall be brought based upon information gained
11 initially or solely from such examination of records.

12 (5) Whenever a petition filed in juvenile court alleges that a child
13 between the ages of fourteen to eighteen has committed an offense that would
14 constitute a crime of violence, as defined in section 16-11-302, C.R.S., if
15 committed by an adult or whenever charges filed in district court allege that a child
16 has committed such an offense, basic identification information concerning such
17 child shall be made available to the public.

18 (6) The department of institutions shall release to the committing court,
19 the district attorney, the Colorado bureau of investigation, and local law
20 enforcement agencies basic identification information as defined in section
21 24-72-302 (2), C.R.S., concerning any juvenile released or released to parole
22 supervision or any juvenile who escapes.

23 SECTION 3. 19-1-120, Colorado Revised Statutes, 1986 Repl. Vol., as

1 amended, is amended to read:

2 19-1-120. Confidentiality of records - dependency and neglect.

3 (1) (a) Except as provided in this section, reports of child abuse or neglect and the
4 name and address of any child, family, or informant or any other identifying
5 information contained in such reports shall be confidential and shall not be public
6 information.

7 (b) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, disclosure
8 of the name and address of the child and family and other identifying information
9 involved in such reports shall be permitted only when authorized by a court for
10 good cause. Such disclosure shall not be prohibited when there is a death of a
11 suspected victim of child abuse or neglect and the death becomes a matter of public
12 record, the subject of an arrest by a law enforcement agency, or the subject of the
13 filing of a formal charge by a law enforcement agency.

14 (c) Any person who violates any provision of this subsection (1) is guilty
15 of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine
16 of not more than three hundred dollars.

17 (2) Only the following persons or agencies shall be given access to child
18 abuse or neglect records and reports WITHOUT ORDER OF COURT:

19 (a) The law enforcement agency, district attorney, coroner, or county or
20 district department of social services investigating a report of a known or suspected
21 incident of child abuse or neglect or treating a child or family which is the subject
22 of the report, and, in addition to said reports and records, the law enforcement
23 agency, district attorney, coroner, or county department shall have access to the

1 state central registry of child protection for information under the name of the child
2 or the suspected perpetrator;

3 (b) A physician who has before him a child whom he reasonably suspects
4 to be abused or neglected;

5 (c) An agency having the legal responsibility or authorization to care for,
6 treat, or supervise a child who is the subject of a report or record or a parent,
7 guardian, legal custodian, or other person who is responsible for the child's health
8 or welfare;

9 (d) Any ~~person~~ CHILD named in the report or record ~~who was alleged~~
10 ~~as a child to be~~ TO HAVE BEEN abused or neglected or ~~if the child named in the~~
11 ~~report or record is a minor or is otherwise incompetent at the time of the request,~~
12 ~~his~~ THE CHILD'S guardian ad litem;

13 (e) A parent, guardian, legal custodian, or other person responsible for
14 the health or welfare of a child named in a report, OR A PERSON ABOUT WHOM A
15 REPORT HAS BEEN MADE, with protection for the identity of reporters and other
16 appropriate persons;

17 (f) A court, upon its finding that access to such records may be
18 necessary for determination of an issue before such court, but such access shall be
19 limited to in camera inspection unless the court determines that public disclosure
20 of the information contained therein is necessary for the resolution of an issue then
21 pending before it;

22 (g) The state central registry of child protection;

23 (h) All members of a child protection team;

1 (i) ~~Such other persons as a court may determine, for good cause;~~

2 (j) The state department or a county or district department of social
3 services or a child placement agency investigating an applicant for a license to
4 operate a child care facility or agency pursuant to section 26-6-107, C.R.S., when
5 the applicant, as a requirement of the license application, has given written
6 authorization to the licensing authority to obtain reports of child abuse or neglect
7 or to review the state central registry of child protection. Access to the state
8 central registry granted to the named department or agencies shall serve only as the
9 basis for further investigation.

10 (k) The state central registry of child protection, when requested in
11 writing by any operator of a facility or agency that is licensed by the department
12 of social services pursuant to section 26-6-107, C.R.S., to check the state central
13 registry of child protection for the purpose of screening an applicant for
14 employment or a current employee. Any such operator who requests such
15 information concerning an individual who is neither a current employee nor an
16 applicant for employment commits a class 1 misdemeanor and shall be punished as
17 provided in section 18-1-106, C.R.S. Within ten days of the operator's request
18 the central registry shall provide the incident date, the location of investigation, the
19 type of abuse and neglect, and the county which investigated contained in the
20 confirmed reports of child abuse and neglect. Any such operator who releases any
21 information obtained under this paragraph (k) to any other person shall be deemed
22 to have violated the provisions of section 19-3-313 (10) and shall be subject to the
23 penalty therefor.

1 (l) The state central registry of child protection, when requested in
2 writing by the department of education to check the central registry for the purpose
3 of aiding the department in its investigation of an allegation of abuse by an
4 employee of a school district in this state. Within ten days of the department's
5 request, the central registry shall provide the incident date, the location of
6 investigation, the type of abuse and neglect, and the county which investigated the
7 incident contained in the confirmed reports of child abuse and neglect. The
8 department of education shall be subject to the fee assessment established in
9 paragraph (k) of this subsection (2). Any employee of the department of education
10 who releases any information obtained under this paragraph (l) to any person not
11 authorized to receive such information pursuant to the provisions of section
12 22-32-109.7, C.R.S., or any member of the board of education of a school district
13 who releases such information obtained pursuant to said section shall be deemed
14 to have violated the provisions of section 19-3-313 (10) and shall be subject to the
15 penalty therefor.

16 (m) The state and county departments of social services, for the
17 following purposes:

18 (I) Screening any person who seeks employment with, is currently
19 employed by, or who volunteers for service with the respective departments, if
20 such person's responsibilities include direct contact with children;

21 (II) Conducting custody evaluations;

22 (III) Screening any person who will be responsible to provide child care
23 pursuant to a contract with a county department for placements out of the home or

1 private child care;

2 (IV) Screening prospective adoptive parents.

3 (n) Private adoption agencies, for the purpose of screening prospective
4 adoptive parents;

5 (o) A person, agency, or organization engaged in a bona fide research
6 or evaluation project or audit, but without information identifying individuals
7 named in a report, unless having said identifying information open for review is
8 essential to the research and evaluation, in which case the executive director of the
9 state department of social services shall give prior written approval and the child
10 through a legal representative shall give permission to release the identifying
11 information.

12 (2.5) Any person or agency provided information from the state central
13 registry pursuant to paragraphs (d), (e), (i), and (k) to (o) of subsection (2) of this
14 section shall be assessed a fee which shall be established and collected pursuant to
15 section 19-3-313 (14).

16 (3) After a child who is the subject of a report to the central registry
17 reaches the age of eighteen years, access to that report shall be permitted only if
18 a sibling or offspring of such child is before any person mentioned in subsection
19 (2) of this section and is a suspected victim of child abuse or neglect. The amount
20 and type of information released shall depend upon the source of the report and
21 shall be determined by regulations established by the director of the central
22 registry. However, under no circumstances shall the information be released unless
23 the person requesting such information is entitled thereto as confirmed by the

1. director of the central registry and the information released states whether or not
2. the report is founded or unfounded. A person given access to the names or other
3. information identifying the subject of a report shall not divulge or make public any
4. identifying information unless he is a district attorney or other law enforcement
5. official and the purpose is to initiate court action or unless he is the subject of a
6. report.

7. (4) ANY PERSON OR AGENCY WHO OBTAINS INFORMATION PURSUANT TO
8. THIS SECTION SHALL NOT DISCLOSE SAID INFORMATION EXCEPT TO ANY PERSON
9. OR AGENCY IDENTIFIED IN THIS SECTION.

10. SECTION 4. Safety clause. The general assembly hereby finds,
11. determines, and declares that this act is necessary for the immediate preservation
12. of the public peace, health, and safety.

Task Force on Family Issues

A BILL FOR AN ACT

101 CONCERNING A CHANGE IN THE TERM "VISITATION" TO "PARENTING TIME".

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Changes the term "visitation" to "parenting time" when the term "visitation" refers to the time a noncustodial parent spends with his or her child.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 13-5-301 (3) (e) (V), Colorado Revised Statutes, 1987

Repl. Vol., as amended, is amended to read:

13-5-301. Family law magistrates - qualifications - duties. (3) Subject to the provision that no magistrate may preside in any trial by jury, family law magistrates shall have the following duties, powers, and authority:

(e) To conduct hearings under the "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S., including:

(V) ~~Visitation~~ PARENTING TIME, and the modification thereof, including motions to restrict ~~visitation~~ PARENTING TIME or parental contact, where custody is not an issue;

SECTION 2. 14-4-102 (2) (d) (II), Colorado Revised Statutes, 1987

Repl. Vol., as amended, is amended to read:

14-4-102. Restraining orders to prevent domestic abuse. (2) A temporary or permanent restraining order to prevent domestic abuse may include:

(d) (II) If temporary care and control is awarded the order may include ~~visitation~~ PARENTING TIME rights for the other party involved.

SECTION 3. 14-5-124 (1), Colorado Revised Statutes, 1987 Repl. Vol.,

as amended, is amended to read:

14-5-124. Rules of evidence - financial affidavit. (1) In any hearing for the civil enforcement of this article, the court shall be governed by the rules of evidence applicable in a civil court action in the district court. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses available to an obligor with respect to parentage or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one obligee shall be unaffected by any interference by another obligee with rights of custody or ~~visitation~~ PARENTING TIME granted by a court.

SECTION 4. 14-10-112 (1), (2), and (6), Colorado Revised Statutes, 1987 Repl. Vol., are amended to read:

14-10-112. Separation agreement. (1) To promote the amicable settlement of disputes between the parties to a marriage attendant upon their separation or the dissolution of their marriage, the parties may enter into a written

1 separation agreement containing provisions for the maintenance of either of them,
2 the disposition of any property owned by either of them, and the custody, support,
3 and ~~visitation~~ PARENTING TIME of their children.

4 (2) In a proceeding for dissolution of marriage or for legal separation,
5 the terms of the separation agreement, except terms providing for the custody,
6 support, and ~~visitation~~ PARENTING TIME of children, are binding upon the court
7 unless it finds, after considering the economic circumstances of the parties and any
8 other relevant evidence produced by the parties, on their own motion or on request
9 of the court, that the separation agreement is unconscionable.

10 (6) Except for terms concerning the support, custody, or ~~visitation~~
11 PARENTING TIME of children, the decree may expressly preclude or limit
12 modification of terms set forth in the decree if the separation agreement so
13 provides.

14 SECTION 5. 14-10-115 (3) (b) (III), Colorado Revised Statutes, 1987
15 Repl. Vol., as amended, is amended to read:

16 **14-10-115. Child support - guidelines - schedule of basic child support**
17 **obligations.** (3) (b) (III) Upon request of the noncustodial parent, the court may
18 order the custodial parent to submit an annual update of financial information using
19 the approved standardized child support guideline forms, including information on
20 the actual expenses relating to the children of the marriage for whom support has
21 been ordered. The court shall not order the custodial parent to update such
22 financial information pursuant to this subparagraph (III) in circumstances where the
23 noncustodial parent has failed to exercise ~~visitation~~ PARENTING TIME rights or when

1 child support payments are in arrears or where there is documented evidence of
2 domestic violence, child abuse, or a violation of a restraining order on the part of
3 the noncustodial parent. The court may order the noncustodial parent to pay the
4 costs involved in preparing an update to the financial information. If the
5 noncustodial parent claims, based upon the information in the updated form, that
6 the custodial parent is not spending the child support for the benefit of the children,
7 the court may refer the parties to a mediator to resolve the differences. If there
8 are costs for such mediation, the court shall order that the party requesting the
9 mediation pay such costs.

10 SECTION 6. 14-10-116, Colorado Revised Statutes, 1987 Repl. Vol.,
11 is amended to read:

12 **14-10-116. Representation of child.** The court may, upon the motion
13 of either party or upon its own motion, appoint an attorney to represent the
14 interests of a minor or dependent child with respect to his custody, support, and
15 ~~visitation~~ PARENTING TIME. The court shall enter an order for costs, fees, and
16 disbursements in favor of the child's attorney. The order shall be made against any
17 or all of the parties; except that, if the responsible party is indigent, the costs, fees,
18 and disbursements shall be borne by the state.

19 SECTION 7. 14-10-121, Colorado Revised Statutes, 1987 Repl. Vol.,
20 is amended to read:

21 **14-10-121. Independence of provisions of decree or temporary order.**
22 If a party fails to comply with a provision of a decree or temporary order or
23 injunction, the obligation of the other party to make payments for support or

1 maintenance or to permit ~~visitation~~ PARENTING TIME is not suspended; but he SAID
2 PARTY may move the court to grant an appropriate order.

3 SECTION 8. The introductory portions to 14-10-127 (1) (a) (I) and (4)
4 and 14-10-127 (7) (b) (IV), Colorado Revised Statutes, 1987 Repl. Vol., as
5 amended, are amended to read:

6 14-10-127. Evaluation and reports. (1) (a) (I) In all custody
7 proceedings, the court shall, upon motion of either party, or may, upon its own
8 motion, order the court probation department, any county or district social services
9 department, or a licensed mental health professional qualified pursuant to
10 subsection (4) of this section to perform an evaluation and file a written report
11 concerning custodial or ~~visitation~~ PARENTING TIME arrangements, or both, for the
12 child, unless such motion by either party is made for the purpose of delaying the
13 proceedings. No later than January 1, 1990, any court or social services department
14 personnel appointed by the court to do such evaluation shall be qualified pursuant
15 to subsection (4) of this section. When a mental health professional performs the
16 evaluation, the court shall appoint or approve the selection of the mental health
17 professional. The moving party shall, at the time of the appointment of the
18 evaluator, deposit a reasonable sum with the court to pay the cost of the evaluation.
19 The court may order the reasonable charge for such evaluation and report to be
20 assessed as costs between the parties. The court shall appoint another mental
21 health professional to perform a supplemental evaluation at the initial expense of
22 the moving party, unless the court determines that any of the following applies,
23 based on motion and supporting affidavits:

1 (4) A person shall not be allowed to testify regarding a custody or
2 ~~visitation~~ PARENTING TIME evaluation which he THE PERSON has performed
3 pursuant to this section unless the court finds that he THE PERSON is qualified as
4 competent, by training and experience, in the areas of:

5 (7) (b) The report of the evaluation shall include, but need not be limited
6 to, the following information:

7 (IV) Recommendations concerning custody, ~~visitation~~ PARENTING TIME,
8 and other considerations; and

9 SECTION 9. 14-10-129 (1), (2), (3) (a), and (4), Colorado Revised
10 Statutes, 1987 Repl. Vol., as amended, are amended to read:

11 14-10-129. Parenting time. (1) A parent not granted custody of the
12 child is entitled to reasonable ~~visitation~~ PARENTING TIME rights unless the court
13 finds, after a hearing, that ~~visitation~~ PARENTING TIME by the parent would endanger
14 the child's physical health or significantly impair his THE CHILD'S emotional
15 development.

16 (2) The court may make or modify an order granting or denying
17 ~~visitation~~ PARENTING TIME rights whenever such order or modification would serve
18 the best interests of the child; but the court shall not restrict a parent's ~~visitation~~
19 PARENTING TIME rights unless it finds that the ~~visitation~~ PARENTING TIME would
20 endanger the child's physical health or significantly impair his THE CHILD'S
21 emotional development. Nothing in this section shall be construed to affect
22 grandparent visitation granted pursuant to section 19-1-117, C.R.S.

23 (3) (a) If a noncustodial parent has been convicted of any of the crimes

1 listed in paragraph (b) of this subsection (3), or convicted of any crime in which
2 the underlying factual basis has been found by the court on the record to include
3 an act of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., which
4 constitutes a potential threat or endangerment to the child, the custodial parent or
5 any other person who has been granted custody of the child pursuant to court order
6 may file an objection to ~~visitation~~ PARENTING TIME with the court. The custodial
7 parent or other person having custody shall give notice to the noncustodial parent
8 of such objection as provided by the Colorado rules of civil procedure, and the
9 noncustodial parent shall have twenty days from such notice to respond. If the
10 noncustodial parent fails to respond within twenty days, the ~~visitation~~ PARENTING
11 TIME rights of the noncustodial parent shall be suspended until further order of the
12 court. If the noncustodial parent responds and objects, a hearing shall be held
13 within thirty days of such response. The court may determine that any noncustodial
14 parent who responds and objects shall be responsible for the costs associated with
15 any hearing, including reasonable attorney fees incurred by the custodial parent.
16 In making such determination, the court shall consider the criminal record of the
17 noncustodial parent and any actions to harass the custodial parent and the children,
18 any mitigating actions by the noncustodial parent, and whether the actions of either
19 parent have been substantially frivolous, substantially groundless, or substantially
20 vexatious. The noncustodial parent shall have the burden at the hearing to prove
21 that ~~visitation~~ PARENTING TIME by the noncustodial parent is in the best interest of
22 the child or children.

23 (4) A motion to restrict ~~visitation~~ PARENTING TIME or parental contact

1 with a parent which alleges that the child is in imminent physical or emotional
2 danger due to the ~~visitation~~ PARENTING TIME or contact by the parent shall be heard
3 and ruled upon by the court not later than seven days after the day of the filing of
4 the motion. Any ~~visitation~~ PARENTING TIME which occurs during such seven-day
5 period after the filing of such a motion shall be supervised by an unrelated third
6 party deemed suitable by the court or by a licensed mental health professional, as
7 defined in section 14-10-127 (1) (b). This subsection (4) shall not apply to any
8 motion which is filed pursuant to subsection (3) of this section.

9 SECTION 10. The introductory portion to 14-10-129.5 (1) and
10 14-10-129.5 (2), Colorado Revised Statutes, 1987 Repl. Vol., are amended to read:

11 14-10-129.5. Disputes concerning parenting time. (1) Upon a verified
12 motion by either parent or upon the court's own motion alleging that a parent is not
13 complying with a ~~visitation~~ PARENTING TIME order or schedule and setting forth the
14 possible sanctions that may be imposed by the court, the court shall determine from
15 the verified motion, and response to the motion, if any, whether there has been or
16 is likely to be a substantial and continuing noncompliance with the ~~visitation~~
17 PARENTING TIME order or schedule and either:

18 (2) After the hearing, if a court finds that a parent has not complied with
19 the ~~visitation~~ PARENTING TIME order or schedule and has violated the court order,
20 the court, in the best interests of the child, may issue orders which may include but
21 need not be limited to:

22 (a) Imposing additional terms and conditions which are consistent with
23 the court's previous order; except that the court shall separate the issues of child

1 support and ~~visitation~~ PARENTING TIME and shall not condition child support upon

2 ~~visitation~~ PARENTING TIME;

3 (b) Modifying the previous order to meet the best interests of the child;

4 (c) Requiring the violator to post bond or security to insure future
5 compliance;

6 (d) Requiring that makeup ~~visitation~~ PARENTING TIME be provided for
7 the aggrieved parent or child under the following conditions:

8 (I) That such ~~visitation~~ PARENTING TIME is of the same type and duration
9 of ~~visitation~~ PARENTING TIME as that which was denied, including but not limited
10 to ~~visitation~~ PARENTING TIME during weekends, on holidays, and on weekdays and
11 during the summer;

12 (II) That such ~~visitation~~ PARENTING TIME is made up within one year
13 after the noncompliance occurs;

14 (III) That such ~~visitation~~ PARENTING TIME is in the manner chosen by the
15 aggrieved parent if it is in the best interests of the child;

16 (e) Finding the parent who did not comply with the ~~visitation~~ PARENTING
17 TIME schedule in contempt of court and imposing a fine or jail sentence;

18 (f) Scheduling a hearing for modification of custody with respect to a
19 motion filed pursuant to section 14-10-131 or 14-10-131.5;

20 (g) Awarding to the aggrieved party, where appropriate, actual expenses,
21 including attorney fees, court costs, and expenses incurred by a parent because of
22 the other parent's failure to provide or exercise court-ordered ~~visitation~~ PARENTING
23 TIME. Nothing in this section shall preclude a party's right to a separate and

1 independent legal action in tort.

2 SECTION 11. 14-10-130 (2), Colorado Revised Statutes, 1987 Repl.
3 Vol., is amended to read:

4 14-10-130. Judicial supervision. (2) If both parents or all contestants
5 agree to the order or if the court finds that in the absence of the order the child's
6 physical health would be endangered or his THE CHILD'S emotional development
7 significantly impaired, the court may order the county or district welfare
8 department or the court's probation department to exercise continuing supervision
9 over the case to assure that the custodial or ~~visitation~~ PARENTING TIME terms of the
10 decree are carried out.

11 SECTION 12. 14-13-103 (1) and (2), Colorado Revised Statutes, 1987
12 Repl. Vol., are amended to read:

13 14-13-103. Definitions. As used in this article, unless the context
14 otherwise requires:

15 (1) "Contestant" means a person, including a parent, who claims a right
16 to custody, ~~or~~ GRANDPARENT visitation RIGHTS, OR PARENTING TIME rights with
17 respect to a child.

18 (2) "Custody determination" means a court decision and court orders and
19 instructions providing for the custody of a child, including GRANDPARENT visitation
20 OR PARENTING TIME rights; it does not include a decision relating to child support
21 or any other monetary obligation of any person.

22 SECTION 13. The introductory portion to 14-13-110 (1) and 14-13-110
23 (1) (c), Colorado Revised Statutes, 1987 Repl. Vol., are amended to read:

14-13-110. Information under oath to be submitted to the court.

(1) Every party in a custody proceeding under section 14-10-123 shall, in his SAID PERSON'S first pleading or in an affidavit attached to that pleading, give information under oath as to the child's present address, the places where the child has lived within the last five years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit, every party shall further declare under oath whether:

(c) He SAID PARTY knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody, or GRANDPARENT visitation RIGHTS, OR PARENTING TIME rights with respect to the child.

SECTION 14. 14-13-111, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

14-13-111. Additional parties. If the court learns from information furnished by the parties pursuant to section 14-13-110 or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody, or GRANDPARENT visitation RIGHTS, OR PARENTING TIME rights with respect to the child, it shall order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his THAT PERSON'S joinder as a party. If the person joined as a party is outside this state, he SAID PERSON shall be served with process or otherwise notified in accordance with section 14-13-106.

SECTION 15. 14-14-104 (4), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

14-14-104. Recovery for child support debt. (4) Any parental rights

with respect to custody or visitation PARENTING TIME which are granted by a court of competent jurisdiction or are subject to court review, shall remain unaffected by the establishment or enforcement of a child support debt or obligation by the county department of social services or other person pursuant to the provisions of this article; and the establishment or enforcement of any such child support debt or obligation shall also remain unaffected by such parental rights with respect to custody or visitation PARENTING TIME.

SECTION 16. 19-1-117 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-117. Visitation rights of grandparents. (5) Any order granting or denying visitation PARENTING TIME rights to the parent of a child shall not affect visitation rights granted to a grandparent pursuant to this section.

SECTION 17. 19-3-101 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after legal custody, guardianship of the person, or both have been vested in another person, agency, or institution, including, but not necessarily limited to, the responsibility for support, the right to consent to adoption, the right to reasonable visitation PARENTING TIME unless restricted by the court, and the right to determine the child's religious affiliation.

1 SECTION 18. 19-3-702 (5) (a) (I), Colorado Revised Statutes, 1986
2 Repl. Vol., as amended, is amended to read:

3 19-3-702. Permanency planning hearing. (5) In order to enable the
4 child to obtain a permanent home, the court may make the following
5 determinations and orders:

6 (a) If the court finds from the materials submitted by the county
7 department of social services that the child appears to be adoptable and meets the
8 criteria for adoption in section 19-5-203, the court may order the county
9 department of social services to show cause why it should not file a motion to
10 terminate the parent-child legal relationship pursuant to part 6 of this article. Cause
11 may include, but need not be limited to, any of the following conditions:

12 (I) The parents or guardians have maintained regular ~~visitation~~
13 PARENTING TIME and contact with the child, and the child would benefit from
14 continuing this relationship; or

15 SECTION 19. 19-4-116 (3), Colorado Revised Statutes, 1986 Repl.
16 Vol., as amended, is amended to read:

17 19-4-116. Judgment or order. (3) The judgment or order may contain
18 any other provision directed against the appropriate party to the proceeding
19 concerning the duty of support, the recovery of child support debt pursuant to
20 section 14-14-104, C.R.S., the custody and guardianship of the child, ~~visitation~~
21 PARENTING TIME privileges with the child, the furnishing of bond or other security
22 for the payment of the judgment, or any other matter in the best interest of the
23 child. The judgment or order may direct the father to pay the reasonable expenses

1 of the mother's pregnancy and confinement.

2 SECTION 20. 26-13.5-105 (3), Colorado Revised Statutes, 1989 Repl.
3 Vol., as amended, is amended to read:

4 26-13.5-105. Negotiation conference - issuance of order of financial
5 responsibility - filing of order with district court. (3) If no stipulation is agreed
6 upon at the negotiation conference because the obligor contests the issue of
7 paternity, the delegate child support enforcement unit shall file the notice of
8 financial responsibility and proof of service with the clerk of the district court in
9 the county in which the notice of financial responsibility was issued or in the
10 district court where an action relating to child support is pending or an order exists
11 but is silent on the issue of child support, and shall request the court to set a
12 hearing for the matter. If no stipulation is agreed upon at the negotiation
13 conference and paternity is not an issue, the delegate child support enforcement
14 unit shall issue temporary orders establishing child support and shall file the notice
15 of financial responsibility and proof of service with the clerk of the district court
16 in the county in which the notice of financial responsibility was issued and shall
17 request the court to set a hearing for the matter. Notwithstanding any rules of the
18 Colorado rules of civil procedure, a complaint is not required in order to initiate
19 a court action pursuant to this subsection (3). The court shall inform the delegate
20 child support enforcement unit of the date and location of the hearing and the court
21 or the delegate child support enforcement unit shall send a notice to the obligor
22 informing the obligor of the date and location of the hearing. In order to meet
23 federal requirements of expedited process for child support enforcement, the court

1 shall hold a hearing and decide only the issue of child support within ninety days
2 after receipt of notice, as defined in section 26-13.5-102 (13), or within one year
3 after receipt of notice, as defined in section 26-13.5-102 (13), if the obligor is
4 contesting the issue of paternity. If the obligor raises issues relating to custody or
5 ~~visitation~~ PARENTING TIME and the court has jurisdiction to hear such matters, the
6 court shall set a separate hearing for those issues after entry of the order of
7 support. In any action, including an action for paternity, no additional service
8 beyond that originally required pursuant to section 26-13.5-104 shall be required
9 if no stipulation is reached at the negotiation conference and the court is requested
10 to set a hearing in the matter.

11 SECTION 21. Effective date. This act shall take effect July 1, 1993.

12 SECTION 22. Safety clause. The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate preservation
14 of the public peace, health, and safety.

BY REPRESENTATIVE Rupert

A BILL FOR AN ACT

101 CONCERNING THE SERVICES AVAILABLE TO FAMILIES INVOLVED IN DOMESTIC
102 ACTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the court to order that parties to an action for dissolution of marriage engage in mediation in regard to any contested matters prior to setting the matter for hearing unless the parties can establish good cause for not attending mediation. Provides that parties required to seek mediation report to the court. Requires the court to set the matter for hearing if the parties are unable to reach an agreement through mediation.

Requires the chief justice of the supreme court to identify educational seminars in each judicial district, subject to available funds, on topics which may include the psychological and emotional effects of dissolution, child custody options, mediation and arbitration options, communication skills, parental responsibility, and problem solving. Provides that a reasonable fee may be charged for attending seminars. Authorizes seminars to be funded out of the children, youth, and families fund on a sliding scale basis. Authorizes the court to order the parties to attend seminars.

Provides that every child named in any action for dissolution, custody, or paternity is eligible to receive counseling services. Allows the court, upon the request of a parent or an eligible child, to refer the child to a family counselor. Requires the court to inform the parties that they may be eligible for a grant from the children, youth, and families fund to cover the expenses of counseling. Authorizes the court to assess the cost of counseling to the parties. Authorizes the court to order that an eligible child receive counseling.

Creates the children, youth, and families fund. Establishes a fee for filing a petition for dissolution of marriage and requires that fee to be credited to the fund. Provides that the court administrator of each judicial district shall

allocate money from the fund first for the costs of administration of the fund, second for children's counseling expenses, third for the cost of identifying educational seminars in that district, and any remaining moneys to cover costs of educational seminars, mediation services, custody evaluation, or supervised visitation. Requires the court administrator to establish guidelines for applications for grants and to award grants to families on a sliding scale basis. Requires the court administrator to report annually on expenditures from the fund.

Establishes that the rights of children in custody matters prohibits the court from relying solely on the results of a custody evaluation in determining the best interests of the child. Requires a custody evaluator to inform each party to an evaluation of the role of the evaluator and the scope of the evaluation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 SECTION 1. Part 1 of article 10 of title 14, Colorado Revised Statutes,
3 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF THE
4 FOLLOWING NEW SECTIONS to read:

5 14-10-107.1. Educational seminars. (1) THE GENERAL ASSEMBLY
6 HEREBY FINDS, DETERMINES, AND DECLARES THAT IT IS EMOTIONALLY AND
7 FISCALLY BENEFICIAL FOR ALL PARTIES TO AN ACTION FOR DISSOLUTION OF
8 MARRIAGE, INCLUDING THE CHILDREN OF THE MARRIAGE, TO BE PROVIDED WITH
9 EDUCATION AND COUNSELING AT THE EARLIEST PHASE OF THE DISSOLUTION. THE
10 GENERAL ASSEMBLY FURTHER FINDS THAT EDUCATIONAL SEMINARS SHOULD
11 INCLUDE INFORMATION REGARDING THE EMOTIONAL AND FINANCIAL EFFECTS OF
12 A DISSOLUTION ON THE FAMILY, AS WELL AS INFORMATION ON THE DISSOLUTION
13 PROCEDURE AND ALTERNATIVE DISPUTE RESOLUTION. IT IS FOR THESE REASONS
14 THAT THE GENERAL ASSEMBLY HAS ENACTED THIS SECTION.

15 (2) ANY PARTY TO AN ACTION FILED PURSUANT TO THIS ARTICLE,
16 INCLUDING A CHILD WHO IS NAMED IN AN ACTION, SHALL BE INFORMED BY THE

1 CLERK OF THE COURT OF THE AVAILABILITY OF EDUCATIONAL SEMINARS AND
2 SHALL BE ELIGIBLE TO ATTEND ONE OR MORE EDUCATIONAL SEMINARS
3 ESTABLISHED PURSUANT TO THIS SECTION. SEMINARS AS DESCRIBED IN
4 SUBSECTION (3) OF THIS SECTION SHALL BE IDENTIFIED AND MADE AVAILABLE IN
5 SUCH JUDICIAL DISTRICTS OR COMBINATIONS OF SUCH DISTRICTS AS SHALL BE
6 DESIGNATED BY THE CHIEF JUSTICE OF THE SUPREME COURT, SUBJECT TO MONEYS
7 AVAILABLE FOR SAID PURPOSE. A REASONABLE FEE MAY BE CHARGED FOR
8 ATTENDANCE AT A SEMINAR.

9 (3) EDUCATIONAL SEMINARS MAY INCLUDE, BUT NEED NOT BE LIMITED
10 TO, SEMINARS REGARDING THE PSYCHOLOGICAL AND EMOTIONAL EFFECTS OF A
11 DISSOLUTION OF MARRIAGE ON CHILDREN AND ADULTS, CHILD CUSTODY OPTIONS
12 UNDER COLORADO LAW, CHILD SUPPORT OBLIGATIONS UNDER COLORADO LAW,
13 THE AVAILABILITY OF MEDIATION AND ARBITRATION AS DISPUTE RESOLUTION
14 ALTERNATIVES TO LITIGATION, COMMUNICATION SKILLS, PARENTAL
15 RESPONSIBILITY, AND PROBLEM SOLVING SKILLS. ANY ELIGIBLE PARTY MAY
16 RECEIVE FUNDING ON A SLIDING SCALE BASIS THROUGH THE CHILDREN, YOUTH,
17 AND FAMILIES FUND ESTABLISHED IN SECTION 14-10-201 IN ORDER TO ATTEND
18 EDUCATIONAL SEMINARS.

19 (4) THE COURT, IN ITS DISCRETION, AND SUBJECT TO THE AVAILABILITY
20 OF SEMINARS IN THAT JUDICIAL DISTRICT, MAY ORDER ELIGIBLE PARTIES TO
21 ATTEND ONE OR MORE EDUCATIONAL SEMINARS AS A CONDITION OF ENTRY OF A
22 DECREE PURSUANT TO THIS ARTICLE.

23 14-10-107.3. Mediation services. EXCEPT FOR GOOD CAUSE SHOWN,

1 THE COURT SHALL ORDER THAT PARTIES TO AN ACTION COMMENCED UNDER THIS
2 ARTICLE SEEK MEDIATION SERVICES IN REGARD TO ANY CONTESTED MATTER PRIOR
3 TO SETTING A HEARING ON THE MATTER. GOOD CAUSE SHALL INCLUDE, BUT NOT
4 BE LIMITED TO, AN ALLEGATION THAT ONE PARTY HAS BEEN THE VICTIM OF
5 PHYSICAL OR PSYCHOLOGICAL ABUSE BY THE OTHER PARTY. PARTIES REQUIRED
6 TO SEEK MEDIATION SHALL REPORT BACK TO THE COURT ON THE RESULTS OF THE
7 MEDIATION WITHIN SIXTY DAYS. MEDIATION SERVICES SHALL BE PROVIDED IN
8 ACCORDANCE WITH PART 3 OF ARTICLE 22 OF TITLE 13, C.R.S. AT THE END OF
9 THE MEDIATION PERIOD THE COURT MAY APPROVE THE AGREEMENT OF THE
10 PARTIES IN ACCORDANCE WITH SECTION 14-10-112. IF THE PARTIES ARE UNABLE
11 TO REACH AN AGREEMENT THROUGH MEDIATION THE COURT SHALL SET THE
12 MATTER FOR HEARING.

13 14-10-123.1. Counseling services for children. UPON MOTION OF THE
14 COURT OR ANY PARTY TO AN ACTION, ANY CHILD WHO IS NAMED IN ANY ACTION
15 FILED PURSUANT TO THIS ARTICLE, ARTICLE 13 OF THIS TITLE, OR ARTICLE 4 OF
16 TITLE 19, C.R.S., SHALL BE ELIGIBLE TO RECEIVE COUNSELING SERVICES IF
17 ORDERED BY THE COURT, IN ITS DISCRETION. AT THE TIME OF REFERRAL THE
18 COURT SHALL INFORM THE PARTIES THAT THEY MAY APPLY FOR A GRANT FROM
19 THE CHILDREN, YOUTH, AND FAMILIES FUND ESTABLISHED IN SECTION 14-10-201
20 TO COVER SOME OR ALL OF THE EXPENSE OF COUNSELING SERVICES FOR THE
21 CHILD. THE COURT MAY ORDER A REASONABLE CHARGE FOR SAID COUNSELING
22 SERVICES TO BE ASSESSED AS COSTS BETWEEN THE PARTIES.

23 SECTION 2. Article 10 of title 14, Colorado Revised Statutes, 1987

1 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to
2 read:

3 PART 2

4 CHILDREN, YOUTH, AND FAMILIES FUND

5 14-10-201. Children, youth, and families fund - creation. (1) THERE

6 IS HEREBY CREATED IN THE OFFICE OF THE COURT ADMINISTRATOR OF EACH
7 JUDICIAL DISTRICT A FUND TO BE KNOWN AS THE CHILDREN, YOUTH, AND
8 FAMILIES FUND, REFERRED TO IN THIS PART 2 AS THE "FUND". ALL FEES
9 COLLECTED PURSUANT TO SECTION 14-10-202 SHALL BE CREDITED TO THE FUND.

10 ALL MONEYS IN THE FUND SHALL BE DEPOSITED IN AN INTEREST-BEARING
11 ACCOUNT WHICH WOULD BE A LEGAL INVESTMENT FOR THE STATE TREASURER.

12 ALL INTEREST EARNED BY MONEYS IN THE FUND SHALL BE CREDITED TO THE
13 FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND
14 UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT
15 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

16 (2) ALL MONEYS DEPOSITED IN THE FUND SHALL BE USED SOLELY FOR
17 THE PURPOSES DESIGNATED IN SECTION 14-10-203; EXCEPT THAT THE COURT
18 ADMINISTRATOR OF EACH JUDICIAL DISTRICT MAY USE AN AGGREGATE OF TEN
19 PERCENT OF THE TOTAL AMOUNT OF MONEYS IN THE FUND FOR ADMINISTRATIVE
20 COSTS INCURRED PURSUANT TO THIS PART 2.

21 14-10-202. Petition for dissolution of marriage - fee - assessment.

22 THERE SHALL BE ASSESSED AGAINST A NONINDIGENT PETITIONER A FEE OF
23 TWENTY DOLLARS FOR EACH FILING OF A PETITION FOR DISSOLUTION OF

1 MARRIAGE. ALL SUCH FEES SHALL BE PAID TO THE CLERK OF THE COURT. EACH
2 CLERK SHALL TRANSMIT THE MONEYS TO THE COURT ADMINISTRATOR OF THE
3 JUDICIAL DISTRICT IN WHICH THE DISSOLUTION WAS FILED FOR CREDIT TO THE
4 CHILDREN, YOUTH, AND FAMILIES FUND IN THAT JUDICIAL DISTRICT.

5 14-10-203. Allocation of moneys from fund - application for grants

6 - disbursements. (1) THE MONEYS IN THE FUND SHALL BE ALLOCATED FOR USE
7 AS FOLLOWS:

8 (a) FIRST, TO THE COURT ADMINISTRATOR FOR COSTS OF ADMINISTERING
9 THE FUND;

10 (b) SECOND, TO ELIGIBLE FAMILIES TO COVER SOME OR ALL OF THE
11 EXPENSE OF COUNSELING SERVICES FOR CHILDREN AS SET FORTH IN SECTION
12 14-10-123.1;

13 (c) THIRD, TO THE STATE COURT ADMINISTRATOR FOR COSTS
14 ASSOCIATED WITH THE IDENTIFICATION OF EDUCATIONAL SEMINARS IN THE
15 JUDICIAL DISTRICT PURSUANT TO SECTION 14-10-107.1;

16 (d) ANY REMAINING MONEYS IN THE FUND SHALL BE DISTRIBUTED TO
17 FAMILIES TO COVER SOME OR ALL OF THE COSTS OF EDUCATIONAL SEMINARS
18 PURSUANT TO SECTION 14-10-107.1, THE COSTS OF MEDIATION SERVICES
19 PURSUANT TO SECTION 14-10-107.3, THE COSTS OF CUSTODY EVALUATIONS, OR
20 THE COSTS OF SUPERVISED VISITATION SERVICES.

21 (2) THE COURT ADMINISTRATOR SHALL MAKE GRANTS FROM THE FUND
22 FOR THE PURPOSES AND IN THE PRIORITY SET FORTH IN SUBSECTION (1) OF THIS
23 SECTION TO ELIGIBLE FAMILIES ACCORDING TO A SLIDING SCALE BASED ON A

1 FAMILY'S ABILITY TO PAY. THE COURT ADMINISTRATOR SHALL ESTABLISH
2 GUIDELINES FOR APPLICATIONS AND AWARDS FROM THE FUND. SAID GUIDELINES
3 SHALL INCLUDE THE SLIDING SCALE.

4 (3) THE COURT ADMINISTRATOR SHALL ACCEPT AND EVALUATE
5 APPLICATIONS FROM ELIGIBLE FAMILIES REQUESTING GRANTS FROM THE FUND FOR
6 ANY OF THE PURPOSES LISTED IN SUBSECTION (1) OF THIS SECTION. THE COURT
7 ADMINISTRATOR SHALL ALSO CONTRIBUTE SUCH MONEY AS THE STATE COURT
8 ADMINISTRATOR DEEMS NECESSARY FOR IDENTIFICATION OF THE EDUCATIONAL
9 SEMINARS FOR THE JUDICIAL DISTRICT REFERRED TO IN PARAGRAPH (c) OF
10 SUBSECTION (1) OF THIS SECTION; EXCEPT THAT NOT MORE THAN TEN PERCENT OF
11 THE MONEYS IN THE FUND SHALL BE USED FOR THIS PURPOSE.

12 **14-10-204. Court administrator - disbursements.** THE COURT
13 ADMINISTRATOR OF EACH JUDICIAL DISTRICT SHALL BE THE CUSTODIAN OF THE
14 FUND AND ALL DISBURSEMENTS FROM THE FUND SHALL BE PAID BY THE COURT
15 ADMINISTRATOR.

16 **14-10-205. Report of grants and expenditures.** (1) THE COURT
17 ADMINISTRATOR OF EACH JUDICIAL DISTRICT SHALL SUBMIT A REPORT TO THE
18 CHIEF JUDGE IN THAT JUDICIAL DISTRICT AND TO THE STATE COURT
19 ADMINISTRATOR BY DECEMBER 1, 1993, AND EVERY DECEMBER 1 THEREAFTER,
20 DETAILING THE AMOUNT OF FUNDS GRANTED TO ELIGIBLE FAMILIES OR THE STATE
21 COURT ADMINISTRATOR PURSUANT TO THIS PART 2, AND LISTING THE TYPES OF
22 SERVICES FOR WHICH GRANTS WERE MADE. THE STATE COURT ADMINISTRATOR
23 SHALL REPORT ANNUALLY IN DECEMBER TO THE LEGISLATIVE AUDIT COMMITTEE

1 ON ALL GRANTS MADE PURSUANT TO THIS PART 2. THE AUDIT COMMITTEE MAY
2 REVIEW SUCH GRANTS TO DETERMINE THE EXISTENCE OF ANY CONFLICTS OF
3 INTEREST. THE AUDIT COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY ON
4 ANY SUCH CONFLICTS OF INTEREST.

5 **SECTION 3.** 14-10-123.4, Colorado Revised Statutes, 1987 Repl. Vol.,
6 is amended to read:

7 **14-10-123.4. Rights of children in custody matters.** The general
8 assembly hereby declares that children have certain rights in the determination of
9 custody, including the right to have such determinations based upon the best
10 interests of the child AS SET FORTH IN SECTION 14-10-124. SAID RIGHT REQUIRES
11 THAT THE COURT CONSIDER ALL OF THE FACTORS SET FORTH IN SECTION
12 14-10-124 AND NOT BASE ITS DETERMINATION SOLELY ON THE FINDINGS OF A
13 CUSTODY EVALUATION CONDUCTED PURSUANT TO SECTION 14-10-127.

14 **SECTION 4.** 14-10-127, Colorado Revised Statutes, 1987 Repl. Vol.,
15 as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16 **14-10-127. Evaluation and reports.** (1.5) AN EVALUATOR APPOINTED
17 PURSUANT TO THIS SECTION SHALL, AT THE COMMENCEMENT OF THE
18 EVALUATION, INFORM EACH PARTY BEING EVALUATED OF THE ROLE OF THE
19 EVALUATOR AND THE SCOPE OF THE EVALUATION.

20 **SECTION 5.** 14-10-110 (2) (b), Colorado Revised Statutes, 1987 Repl.
21 Vol., is amended to read:

22 **14-10-110. Irretrievable breakdown.** (2) If one of the parties has
23 denied under oath or affirmation that the marriage is irretrievably broken, the court

1 shall consider all relevant factors, including the circumstances that gave rise to the
2 filing of the petition and the prospect of reconciliation, and shall:

3 (b) Continue the matter for further hearing not less than thirty days nor
4 more than sixty days later, or as soon thereafter as the matter may be reached on
5 the court's calendar, and may suggest to the parties that they seek counseling,
6 THAT THEY ENGAGE IN MEDIATION OR SOME OTHER ALTERNATIVE DISPUTE
7 RESOLUTION, THAT THEY SEEK COUNSELING FOR ANY CHILDREN INVOLVED IN THE
8 ACTION PURSUANT TO SECTION 14-10-123.1, OR THAT THEY ATTEND ONE OR MORE
9 EDUCATIONAL SEMINARS AS ESTABLISHED IN SECTION 14-10-107.1. At the
10 adjourned hearing, the court shall make a finding whether the marriage is
11 irretrievably broken.

12 SECTION 6. Effective date. This act shall take effect July 1, 1993.

13 SECTION 7. Safety clause. The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate preservation
15 of the public peace, health, and safety.

BY SENATOR Wham;
also REPRESENTATIVE Rupert.

A BILL FOR AN ACT

101 CONCERNING CREATION OF AN OVERSIGHT COMMITTEE ON FAMILY ISSUES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Creates the select committee on children, youth, and families, and establishes the membership of the committee and its duties. Empowers the select committee to create subcommittees, request standing committees, conduct public hearings, contract for services, and employ staff, subject to available appropriations. Authorizes the select committee to create an advisory task force to assist the committee in the performance of its duties, and establishes the membership of such task force. Requires the select committee to report to the general assembly and the governor annually. Requires the legislative audit committee to review the select committee and report on its findings to the general assembly. Repeals the select committee effective January 1, 1999.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 1 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 2

SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

19-1-201. Legislative declaration. THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE CHILDREN OF TODAY ARE EXTREMELY IMPORTANT TO THE

FUTURE OF OUR SOCIETY. THE GENERAL ASSEMBLY RECOGNIZES THAT ISSUES AFFECTING CHILDREN AND THEIR FAMILIES ARE COMPLEX AND VARIED AND, THEREFORE, THERE IS A GREAT NEED TO COORDINATE THE STUDY AND RESEARCH OF SUCH ISSUES IN ORDER TO MAXIMIZE THE EFFECTIVENESS OF GOVERNMENT IN REGARD TO CHILDREN AND FAMILIES. THE GENERAL ASSEMBLY FURTHER FINDS THAT PROGRAMS REGARDING CHILD ABUSE ARE BOTH FISCALLY AND EMOTIONALLY BENEFICIAL AND SHOULD BE PROMOTED. IT IS FOR THIS PURPOSE THAT THE GENERAL ASSEMBLY HAS CREATED THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES.

19-1-202. Creation - members - meetings. (1) THERE IS HEREBY CREATED THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES. THE SELECT COMMITTEE SHALL CONSIST OF EIGHTEEN MEMBERS. NINE SENATORS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE, AT LEAST ONE OF WHOM SHALL BE APPOINTED FROM THE MEMBERSHIP OF EACH OF THE FOLLOWING STANDING COMMITTEES OF THE SENATE: EDUCATION; FINANCE; APPROPRIATIONS; HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS; AND JUDICIARY. OF THE NINE SENATORS, NO MORE THAN FIVE SHALL BE FROM THE SAME POLITICAL PARTY. NINE REPRESENTATIVES SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AT LEAST TWO OF WHOM SHALL BE APPOINTED FROM THE MEMBERSHIP OF EACH OF THE FOLLOWING STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES: EDUCATION; HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS; AND JUDICIARY. IN ADDITION, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT ONE MEMBER FROM THE FINANCE

1 COMMITTEE AND ONE MEMBER FROM THE APPROPRIATIONS COMMITTEE. OF THE
2 NINE REPRESENTATIVES, NO MORE THAN FIVE SHALL BE FROM THE SAME
3 POLITICAL PARTY. EACH PERSON APPOINTED TO SERVE ON THE SELECT
4 COMMITTEE SHALL SERVE THEREON FOR THE DURATION OF THE COMMITTEE'S
5 EXISTENCE SO LONG AS SUCH PERSON CONTINUES TO SERVE AS A MEMBER OF THE
6 GENERAL ASSEMBLY. ANY VACANCIES OCCURRING ON THE SELECT COMMITTEE
7 SHALL BE FILLED BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE
8 HOUSE OF REPRESENTATIVES, RESPECTIVELY, SUBJECT TO THE GUIDELINES
9 ESTABLISHED IN THIS SUBSECTION (1).

10 (2) (a) THE SELECT COMMITTEE SHALL MEET AT LEAST QUARTERLY AND
11 AT THE CALL OF THE CHAIRPERSON. MEMBERS OF THE SELECT COMMITTEE SHALL
12 BE ENTITLED TO REIMBURSEMENT FOR THEIR EXPENSES IN ATTENDING MEETINGS
13 OF THE COMMITTEE OR ANY SUBCOMMITTEE THEREOF AT THE SAME PER DIEM AND
14 IN THE SAME MANNER AS WHEN ATTENDING MEETINGS OF THE GENERAL
15 ASSEMBLY.

16 (b) THE ORGANIZATIONAL MEETING OF THE SELECT COMMITTEE SHALL
17 BE CONVENED, PRIOR TO SEPTEMBER 1, 1993, BY THE MEMBER THEREOF WITH THE
18 GREATEST NUMBER OF YEARS OF CONTINUOUS SERVICE IN THE GENERAL
19 ASSEMBLY. THE COMMITTEE SHALL ELECT FROM ITS MEMBERSHIP A
20 CHAIRPERSON, A VICE-CHAIRPERSON, AND SUCH OTHER OFFICERS AS IT DEEMS
21 NECESSARY.

22 19-1-203. Powers and duties - staff. (1) THE SELECT COMMITTEE ON
23 CHILDREN, YOUTH, AND FAMILIES HAS THE FOLLOWING POWERS:

- 1 (a) TO CREATE SUBCOMMITTEES RELATED TO ITS PURPOSES;
- 2 (b) TO REQUEST STANDING COMMITTEES OF THE GENERAL ASSEMBLY,
3 THE JOINT BUDGET COMMITTEE, AND ANY AGENCIES OR ENTITIES OF STATE
4 GOVERNMENT TO STUDY AND REPORT ON DESIGNATED POLICY MATTERS RELATING
5 TO CHILDREN, YOUTH, AND FAMILIES;

6 (c) TO CONDUCT SUCH MEETINGS AND PUBLIC HEARINGS IN THE STATE
7 AS SHALL BE NECESSARY;

8 (d) TO CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES, SUBJECT
9 TO AVAILABLE APPROPRIATIONS;

10 (e) TO EMPLOY COMMITTEE STAFF, SUBJECT TO AVAILABLE
11 APPROPRIATIONS; AND

12 (f) TO PERFORM SUCH OTHER DUTIES AS ARE REQUIRED BY THE
13 PROVISIONS OF THIS PART 2 OR AS MAY BE REQUESTED BY JOINT RESOLUTION OF
14 THE GENERAL ASSEMBLY.

15 (2) THE DUTIES OF THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND
16 FAMILIES ARE AS FOLLOWS:

17 (a) TO REVIEW CURRENT STATE POLICIES ON CHILD ABUSE AND NEGLECT
18 AS SET FORTH IN COLORADO STATUTES, RULES AND REGULATIONS, PROGRAMS,
19 SERVICES, AND BUDGETARY PRIORITIES;

20 (b) TO REVIEW CURRENT STATE POLICIES ON CHILDREN AND FAMILIES
21 AS SET FORTH IN COLORADO STATUTES, RULES AND REGULATIONS, PROGRAMS,
22 SERVICES, AND BUDGETARY PRIORITIES;

23 (c) TO REVIEW PROGRAMS WHICH MAY RESULT IN THE ESTABLISHMENT

1 OF A FAMILY COURT SYSTEM TO HANDLE DOMESTIC AND JUVENILE MATTERS;

2 (d) TO STUDY THE PROBLEMS WHICH JEOPARDIZE THE DEVELOPMENT
3 AND WELL-BEING OF THE CHILDREN OF COLORADO, INCLUDING, BUT NOT LIMITED
4 TO, PERSISTENT INTERDISCIPLINARY PROBLEMS SUCH AS TEEN PREGNANCY,
5 EDUCATIONAL UNDER-ACHIEVEMENT, A LACK OF EMPLOYMENT FOR YOUTH,
6 ALCOHOL AND DRUG ABUSE, DELINQUENCY, EMOTIONAL ILLNESS, BIRTH DEFECTS,
7 A LACK OF DAY CARE, HOMELESSNESS, CHILD ABUSE, AND THE IMPOVERISHMENT
8 OF CHILDREN AND ADOLESCENTS;

9 (e) TO DEFINE AND ESTABLISH THE COMPONENTS, GUIDELINES, AND
10 OBJECTIVES OF A COMPREHENSIVE STATE POLICY TO ENSURE AND PROMOTE
11 PRESENT AND FUTURE HEALTH, WELFARE, AND OPPORTUNITIES FOR ALL OF
12 COLORADO'S CHILDREN;

13 (f) TO IDENTIFY ANY COLORADO STATUTES, RULES AND REGULATIONS,
14 PROGRAMS, SERVICES, AND BUDGETARY PRIORITIES WHICH CONFLICT WITH THE
15 COMPONENTS, GUIDELINES, AND OBJECTIVES OF SUCH COMPREHENSIVE POLICY;

16 (g) TO SEARCH FOR ANY INTERDEPARTMENTAL GAPS, INCONSISTENCIES,
17 DUPLICATION OF SERVICES, AND INEFFICIENCIES IN THE IMPLEMENTATION OR
18 ATTAINMENT OF SUCH COMPREHENSIVE POLICY;

19 (h) TO IDENTIFY ANY NEW STATUTES, RULES AND REGULATIONS,
20 PROGRAMS, SERVICES, AND BUDGETARY PRIORITIES WHICH ARE NEEDED TO ENSURE
21 AND PROMOTE PRESENT AND FUTURE HEALTH, WELFARE, AND OPPORTUNITIES FOR
22 ALL OF COLORADO'S CHILDREN;

23 (i) TO SERVE AS AN IN-HOUSE INFORMATIONAL RESOURCE FOR THE

1 GENERAL ASSEMBLY ON LEGISLATIVE POLICY MATTERS CONCERNING CHILDREN
2 AND FAMILIES;

3 (j) TO SEEK OUT AND RECOGNIZE ACTIVITIES AND PROGRAMS WHICH
4 FOCUS ON BUILDING THE STRENGTHS OF FAMILIES AND CHILDREN AND WHICH
5 HAVE BEEN OF BENEFIT TO FAMILIES AND CHILDREN; AND

6 (k) TO PERFORM SUCH OTHER ACTIVITIES AS ARE REASONABLY RELATED
7 TO THE LEGISLATIVE INTENT OF THIS PART 2, INCLUDING, BUT NOT LIMITED TO,
8 IMPROVING PUBLIC AWARENESS OF THE SPECIAL NEEDS OF THE CHILDREN AND
9 FAMILIES OF COLORADO.

10 **19-1-204. Advisory task force.** (1) THE SELECT COMMITTEE MAY
11 CREATE AN ADVISORY TASK FORCE TO AID AND ASSIST THE COMMITTEE IN THE
12 PERFORMANCE OF ITS DUTIES. IF AN ADVISORY TASK FORCE IS CREATED, THE
13 MEMBERSHIP THEREOF SHALL INCLUDE THE FOLLOWING OFFICIALS, OR THEIR
14 DESIGNEES: THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS,
15 THE COMMISSIONER OF EDUCATION, THE DIRECTOR OF THE OFFICE OF STATE
16 PLANNING AND BUDGETING, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
17 SOCIAL SERVICES, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
18 EMPLOYMENT, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF INSTITUTIONS,
19 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH, AND A MEMBER
20 APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT TO
21 REPRESENT THE JUDICIAL DEPARTMENT. SAID ADVISORY TASK FORCE MAY
22 INCLUDE SUCH OTHER MEMBERS AS SHALL BE DESIGNATED BY THE SELECT
23 COMMITTEE.

1 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, MEMBERS OF THE
2 ADVISORY TASK FORCE MAY BE ENTITLED TO REIMBURSEMENT FOR REASONABLE
3 EXPENSES INCURRED IN CONNECTION WITH THE PERFORMANCE OF THEIR DUTIES
4 ON THE TASK FORCE.

5 (3) THE PROVISIONS OF SECTION 2-3-1203, C.R.S., SHALL NOT APPLY
6 TO ANY ADVISORY TASK FORCE CREATED PURSUANT TO THIS SECTION.

7 **19-1-205. Reports.** THE SELECT COMMITTEE SHALL REPORT TO THE
8 GENERAL ASSEMBLY AND TO THE GOVERNOR, AT LEAST ANNUALLY, ON ITS
9 ACTIVITIES, FINDINGS, RECOMMENDATIONS, AND PROPOSALS. THE LEGISLATIVE
10 AUDIT COMMITTEE OF THE GENERAL ASSEMBLY SHALL REVIEW THE ACTIVITIES
11 AND FINDINGS OF THE SELECT COMMITTEE AND SHALL REPORT TO THE GENERAL
12 ASSEMBLY ON OR BEFORE JANUARY 1, 1995.

13 **19-1-206. Repeal of part.** THIS PART 2 IS REPEALED, EFFECTIVE
14 JANUARY 1, 1999.

15 **SECTION 2. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate preservation
17 of the public peace, health, and safety.

BY REPRESENTATIVE Lawrence

A BILL FOR AN ACT

101 CONCERNING THE INCLUSION OF EMOTIONAL ABUSE AS CHILD ABUSE UNDER THE
102 "COLORADO CHILDREN'S CODE".

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Amends the definition of child abuse to include emotional abuse.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 SECTION 1. 19-3-102 (1) (a) and (1) (c), Colorado Revised Statutes,
3 1986 Repl. Vol., as amended, are amended to read:

4 19-3-102. Neglected or dependent child. (1) A child is neglected or
5 dependent if:

6 (a) A parent, guardian, or legal custodian has abandoned the child or has
7 subjected him SUCH CHILD to mistreatment or abuse or a parent, guardian, or legal
8 custodian has suffered or allowed another to mistreat or abuse the child without
9 taking lawful means to stop such mistreatment or abuse and prevent it from
10 recurring. FOR THE PURPOSES OF THIS SECTION, "ABUSE" HAS THE SAME MEANING
11 AS SET FORTH IN SECTION 19-3-303 (1) (a).

1 (c) The child's environment is injurious to his SUCH CHILD'S PHYSICAL
2 OR PSYCHOLOGICAL HEALTH OR welfare;

3 SECTION 2. 19-3-303 (1), Colorado Revised Statutes, 1986 Repl. Vol.,
4 as amended, is amended to read:

5 19-3-303. Definitions. As used in this part 3, unless the context
6 otherwise requires:

7 (1) (a) "Abuse" or "child abuse or neglect" means an act or omission in
8 one of the following categories: ~~which threatens the health or welfare of a child;~~

9 (I) Any case in which a child exhibits evidence of skin bruising,
10 bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural
11 hematoma, soft tissue swelling, or death and either: Such condition or death is not
12 justifiably explained; the history given concerning such condition is at variance
13 with the degree or type of such condition or death; or the circumstances indicate
14 that such condition may not be the product of an accidental occurrence;

15 (II) Any case in which a child is subjected to sexual assault or
16 molestation, sexual exploitation, or prostitution;

17 (III) Any case in which a child is a child in need of services because the
18 child's parents, legal guardian, or custodian fails to take the same actions to
19 provide adequate food, clothing, shelter, medical care, or supervision that a
20 prudent parent would take. The requirements of this subparagraph (III) shall be
21 subject to the provisions of section 19-3-103;

22 (IV) ANY CASE IN WHICH A CHILD IS SUBJECTED TO PSYCHOLOGICAL
23 HARM OR THREATENED PSYCHOLOGICAL HARM AS EVIDENCED BY OBSERVABLE

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1 AND SUBSTANTIAL IMPAIRMENT OR BY FACTS SUPPORTING THE LIKELIHOOD OF
2 IMPAIRMENT TO THE CHILD'S PSYCHOLOGICAL FUNCTIONING.

3 (b) In all cases, those investigating reports of child abuse shall take into
4 account accepted child-rearing practices of the culture in which the child
5 participates. Nothing in this subsection (1) shall refer to acts which could be
6 construed to be a reasonable exercise of parental discipline or to acts reasonably
7 necessary to subdue a child being taken into custody pursuant to section 19-2-201
8 which are performed by a peace officer, level I, as defined in section 18-1-901 (3)
9 (l), C.R.S., acting in the good faith performance of his duties.

10 SECTION 3. Effective date - applicability. This act shall take effect
11 upon passage and shall apply to reports of child abuse or neglect made on or after
12 said date.

13 SECTION 4. Safety clause. The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate preservation
15 of the public peace, health, and safety.

Task Force on Family Issues

A BILL FOR AN ACT

101 CONCERNING THE PRESERVATION OF FAMILIES BY THE AVOIDANCE OF
 102 UNNECESSARY PLACEMENT OUT OF THE HOME OF CHILDREN IMPACTED
 103 BY ABUSE AND NEGLECT, AND MAKING AN APPROPRIATION IN
 104 CONNECTION THEREWITH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Makes a legislative declaration regarding the article concerning dependency and neglect of children.

Adds a definition of "reasonable efforts" to definitions relating to dependency and neglect actions. Requires guardians ad litem to seek to assure that reasonable efforts are being made regarding the child which they represent.

Requires each county or city and county to provide certain core services to all children and families in the state of Colorado involved in, or at imminent risk of, out-of-home placement due to child abuse and neglect. Defines "core services" and delineates which families are eligible to receive such core services.

Requires each county or city and county to establish or designate a task force. Prescribes the composition of such task force and the duties to be carried out by the task force.

Requires that an individual case plan be in place for all abused and neglected children and their families when a case is opened for the provision of services by the state of Colorado beyond the investigation of the report of child abuse or neglect, regardless of whether the children involved are placed out of the home.

Clarifies when an emergency situation exists for the purpose of removing a child and placing such child out of the home.

Requires the court to find that reasonable efforts have been made prior to temporary out-of-home placement if the evidence supports such a finding. Requires the petition in a dependency and neglect action to allege that reasonable

efforts to prevent out-of-home placement have been made.

Requires that prior to any dispositional hearing in a dependency and neglect case that the court receive a statement from a social services caseworker as to reasonable efforts taken, or reasons why such efforts were not taken.

Makes an appropriation to the department of social services to implement the act.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 1 of article 3 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-3-100.5. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE STABILITY AND PRESERVATION OF THE FAMILIES OF THIS STATE, AND THE SAFETY AND PROTECTION OF CHILDREN, ARE MATTERS OF STATEWIDE CONCERN. THE GENERAL ASSEMBLY FINDS THAT THE FEDERAL "ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980", FEDERAL PUBLIC LAW 96-272, REQUIRES THAT EACH STATE MAKE A COMMITMENT TO MAKE "REASONABLE EFFORTS" TO PREVENT THE PLACEMENT OF ABUSED AND NEGLECTED CHILDREN OUT OF THE HOME AND TO REUNIFY THE FAMILY WHENEVER APPROPRIATE. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE IMPLEMENTATION OF THE FEDERAL "ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980", FEDERAL PUBLIC LAW 96-272, IS NOT THE EXCLUSIVE RESPONSIBILITY OF THE STATE DEPARTMENT OF SOCIAL SERVICES OR OF LOCAL DEPARTMENTS OF SOCIAL SERVICES. ELECTED OFFICIALS AT THE STATE AND LOCAL LEVELS MUST ENSURE THAT RESOURCES AND SERVICES ARE AVAILABLE

1 THROUGH STATE AND LOCAL SOCIAL SERVICES AGENCIES AND THROUGH THE
 2 INVOLVEMENT OF THE RESOURCES OF PUBLIC AND PRIVATE SOURCES. JUDGES,
 3 ATTORNEYS, AND GUARDIANS AD LITEM MUST BE ENCOURAGED TO TAKE
 4 INDEPENDENT RESPONSIBILITY TO ENSURE THAT "REASONABLE EFFORTS" HAVE
 5 BEEN MADE IN EACH CASE. THEREFORE, IN ORDER TO CARRY OUT THE
 6 REQUIREMENTS ADDRESSED IN THIS SECTION, AND TO BRING ABOUT SUBSTANTIAL
 7 FISCAL SAVINGS WHICH WILL ULTIMATELY ACCRUE OVER TIME DUE TO THE
 8 DECREASED NEED FOR OUT-OF-HOME PLACEMENT SERVICES, THE GENERAL
 9 ASSEMBLY SHALL DEFINE "REASONABLE EFFORTS" AND IDENTIFY THE CORE
 10 SERVICES AND PROCESSES WHICH MUST BE IN PLACE TO ENSURE THAT
 11 "REASONABLE EFFORTS" HAVE BEEN MADE.

12 SECTION 2. 19-3-101, Colorado Revised Statutes, 1986 Repl. Vol., as
 13 amended, is amended to read:

14 19-3-101. Definitions. As used in this article, unless the context
 15 otherwise requires:

16 (1) "REASONABLE EFFORTS" MEANS THE EXERCISE OF REASONABLE
 17 DILIGENCE AND CARE THROUGHOUT THE STATE OF COLORADO FOR CHILDREN WHO
 18 ARE IN OUT-OF-HOME PLACEMENT, OR ARE AT IMMINENT RISK OF OUT-OF-HOME
 19 PLACEMENT, TO PROVIDE, PURCHASE, OR DEVELOP THE SUPPORTIVE AND
 20 REHABILITATIVE SERVICES TO THE FAMILY WHICH ARE REQUIRED BOTH TO
 21 PREVENT UNNECESSARY PLACEMENT OF CHILDREN OUTSIDE OF SUCH CHILDREN'S
 22 HOMES AND TO FOSTER, WHENEVER APPROPRIATE, THE REUNIFICATION OF
 23 CHILDREN WITH THE FAMILIES OF SUCH CHILDREN. NOTHING IN THIS SUBSECTION

1 (1) SHALL BE CONSTRUED TO CONFLICT WITH FEDERAL LAW.

2 (4) (2) "Residual parental rights and responsibilities" means those rights
 3 and responsibilities remaining with the parent after legal custody, guardianship of
 4 the person, or both have been vested in another person, agency, or institution,
 5 including, but not necessarily limited to, the responsibility for support, the right to
 6 consent to adoption, the right to reasonable visitation unless restricted by the court,
 7 and the right to determine the child's religious affiliation.

8 (2) (3) "Special county attorney" means an attorney hired by a county
 9 attorney or city attorney of a city and county or hired by a county department of
 10 social services with the concurrence of the county attorney or city attorney of a city
 11 and county to prosecute dependency and neglect cases.

12 (3) (4) "Special respondent" means any person who is not a parent,
 13 guardian, or legal custodian and who is involuntarily joined as a party in a
 14 dependency or neglect proceeding for the limited purposes of protective orders or
 15 inclusion in a treatment plan.

16 (4) (5) "Termination of the parent-child legal relationship" means the
 17 permanent elimination by court order of all parental rights and duties, including
 18 residual parental rights and responsibilities as provided in section 19-3-608.

19 SECTION 3. 19-3-203 (3), Colorado Revised Statutes, 1986 Repl. Vol.,
 20 as amended, is amended to read:

21 19-3-203. Guardian ad litem. (3) The guardian ad litem shall be
 22 charged in general with the representation of the child's interests. To that end, he
 23 THE GUARDIAN AD LITEM shall make such further investigations as he THE

1 GUARDIAN AD LITEM deems necessary to ascertain the facts and shall talk with or
 2 observe the child involved, examine and cross-examine witnesses in both the
 3 adjudicatory and dispositional hearings, introduce and examine his THE GUARDIAN
 4 AD LITEM'S own witnesses, make recommendations to the court concerning the
 5 child's welfare, appeal matters to the court of appeals or the supreme court, and
 6 participate further in the proceedings to the degree necessary to adequately
 7 represent the child. IN ADDITION, THE GUARDIAN AD LITEM SHALL SEEK TO
 8 ASSURE THAT REASONABLE EFFORTS ARE BEING MADE TO PREVENT UNNECESSARY
 9 PLACEMENT OF THE CHILD OUT OF THE HOME AND TO FACILITATE REUNIFICATION
 10 OF THE CHILD WITH THE CHILD'S FAMILY.

11 SECTION 4. Part 2 of article 3 of title 19, Colorado Revised Statutes,
 12 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE
 13 FOLLOWING NEW SECTIONS to read:

14 19-3-208. Core services - county required to provide - rules and
 15 regulations. (1) EACH COUNTY OR CITY AND COUNTY SHALL PROVIDE A SET OF
 16 CORE SERVICES, AS DEFINED IN SUBSECTION (3) OF THIS SECTION, TO ALL
 17 CHILDREN AND FAMILIES IN THE STATE OF COLORADO ELIGIBLE FOR SUCH
 18 SERVICES, AS DEFINED IN SUBSECTION (2) OF THIS SECTION. A COUNTY OR CITY
 19 AND COUNTY MAY ENTER INTO AN AGREEMENT WITH ANY OTHER COUNTY, CITY
 20 AND COUNTY, OR GROUP OF COUNTIES TO SHARE IN THE PROVISION OF CORE
 21 SERVICES. EACH COUNTY, CITY AND COUNTY, OR GROUP OF COUNTIES MAY
 22 ENTER INTO CONTRACTS WITH PRIVATE ENTITIES FOR THE PROVISION OF CORE
 23 SERVICES. EACH COUNTY OR CITY AND COUNTY SHALL HAVE A PROCESS IN PLACE

1 WHEREBY CORE SERVICES CAN READILY BE ACCESSED BY CHILDREN AND FAMILIES
 2 IN NEED OF SUCH SERVICES.

3 (2) THE FOLLOWING FAMILIES SHALL BE ELIGIBLE TO RECEIVE CORE
 4 SERVICES PURSUANT TO THIS SECTION:

5 (I) A FAMILY WITH ANY CHILD WHO IS THE SUBJECT OF A
 6 SUBSTANTIATED REPORT OF CHILD ABUSE OR NEGLECT;

7 (II) A FAMILY WHICH IS THE SUBJECT OF A COURT PROCEEDING
 8 REGARDING CHILD ABUSE, NEGLECT, OR DEPENDENCY, OR ANY STATUS OFFENSE
 9 PROCEEDING;

10 (III) A FAMILY WHICH HAS REQUESTED THE IMMEDIATE PLACEMENT OF
 11 A CHILD WHOM THE COUNTY DEPARTMENT OF SOCIAL SERVICES HAS DETERMINED
 12 TO HAVE BEEN ABUSED OR NEGLECTED, AND THE DEPARTMENT MUST THEREFORE
 13 EITHER PROVIDE SERVICES OR PROMPTLY PLACE THE CHILD; OR

14 (IV) A FAMILY WITH ANY CHILD WHO IS IN OUT-OF-HOME PLACEMENT.

15 (3) (a) "CORE SERVICES" SHALL BE DESIGNED TO ACCOMPLISH THE
 16 FOLLOWING GOALS:

17 (I) PROMOTE THE IMMEDIATE HEALTH AND SAFETY OF CHILDREN
 18 ELIGIBLE FOR CORE SERVICES PURSUANT TO SUBSECTION (2) OF THIS SECTION;

19 (II) REDUCE THE RISK OF FUTURE MALTREATMENT OF CHILDREN WHO
 20 HAVE PREVIOUSLY BEEN ABUSED OR NEGLECTED AND PROTECT THE SIBLINGS OF
 21 SUCH CHILDREN AND OTHER CHILDREN WHO ARE MEMBERS OF THE SAME
 22 HOUSEHOLD WHO MAY BE SUBJECTED TO MALTREATMENT;

23 (III) AVOID THE UNNECESSARY PLACEMENT OF CHILDREN INTO FOSTER

1 CARE RESULTING FROM CHILD ABUSE AND NEGLECT, VOLUNTARY DECISIONS BY
2 FAMILIES, OR THE COMMISSION OF STATUS OFFENSES; AND

3 (IV) FACILITATE THE SPEEDY REUNIFICATION OF PARENTS WITH ANY OF
4 THEIR CHILDREN WHO HAVE BEEN PLACED IN FOSTER CARE.

5 (b) "CORE SERVICES" SHALL INCLUDE THE FOLLOWING SERVICES WHICH
6 SHALL BE PROVIDED IN ANY CASE WHICH COMMENCES ON OR AFTER JULY 1, 1993:

7 (I) PLACEMENT SERVICES, INCLUDING FOSTER CARE AND EMERGENCY
8 SHELTER;

9 (II) VISITATION SERVICES FOR ALL PARENTS WITH CHILDREN IN OUT-OF-
10 HOME PLACEMENT;

11 (III) CRISIS COUNSELING; AND

12 (IV) INFORMATION AND REFERRAL SERVICES TO AVAILABLE PUBLIC AND
13 PRIVATE ASSISTANCE RESOURCES.

14 (c) "CORE SERVICES" SHALL INCLUDE THE FOLLOWING SERVICES WHICH
15 SHALL BE PROVIDED IN ANY CASE WHICH COMMENCES ON OR AFTER JULY 1, 1995:
16 FAMILY PRESERVATION SERVICES, WHICH ARE BRIEF, COMPREHENSIVE, INTENSIVE
17 SERVICES PROVIDED TO PREVENT THE PLACEMENT OF CHILDREN INTO FOSTER CARE
18 OR TO ALLOW THE IMMEDIATE RETURN OF CHILDREN INTO THE HOME.

19 (d) "CORE SERVICES" SHALL INCLUDE THE FOLLOWING SERVICES WHICH
20 SHALL BE PROVIDED IN ANY CASE WHICH COMMENCES ON OR AFTER JULY 1, 1998:

21 (I) TRANSPORTATION TO CORE SERVICES;

22 (II) DAY CARE AS NEEDED ACCORDING TO A CASE PLAN, WHEN OTHER
23 DAY CARE IS NOT AVAILABLE;

1 (III) IN-HOME SUPPORTIVE HOMEMAKER SERVICES;

2 (IV) DIAGNOSTIC AND HEALTH CARE SERVICES; AND

3 (V) DRUG AND ALCOHOL TREATMENT SERVICES.

4 (e) THE DEPARTMENT OF SOCIAL SERVICES MAY PROMULGATE SUCH
5 RULES AND REGULATIONS AS ARE NECESSARY TO IMPLEMENT THE PROVISION OF
6 CORE SERVICES PURSUANT TO THIS ARTICLE.

7 **19-3-209. Task force - establishment or designation - duties.** (1) THE
8 GOVERNING BODY OF EACH COUNTY OR CITY AND COUNTY SHALL ESTABLISH A
9 TASK FORCE FOR THE COUNTY OR CITY AND COUNTY TO CARRY OUT THE DUTIES
10 DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE TASK FORCE SHALL BE
11 INTERDISCIPLINARY AND MULTIAGENCY IN COMPOSITION. THE GOVERNING BODY
12 MAY DESIGNATE AN EXISTING BOARD OR GROUP TO ACT AS THE TASK FORCE. A
13 GROUP OF COUNTIES MAY AGREE TO DESIGNATE A REGIONAL TASK FORCE TO ACT
14 AS THE TASK FORCE FOR ALL OF SUCH COUNTIES COLLECTIVELY.

15 (2) IT SHALL BE THE DUTY OF EACH TASK FORCE ESTABLISHED OR
16 DESIGNATED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO HOLD PERIODIC
17 MEETINGS AND IDENTIFY ANY GAPS IN SERVICES OR RESOURCES NEEDED TO
18 PROTECT CHILDREN AND PRESERVE FAMILIES WITHIN THE COUNTY OR CITY AND
19 COUNTY, AND TO IDENTIFY ANY NEED FOR EMERGENCY FAMILY ASSISTANCE OR
20 ADEQUATE HOUSING. ON OR BEFORE JULY 1, 1995, AND ON OR BEFORE JULY 1
21 OF EACH TWO YEARS THEREAFTER, THE TASK FORCE SHALL PREPARE A REPORT,
22 APPROVED BY THE GOVERNING BODY OF THE COUNTY OR CITY AND COUNTY,
23 WHICH IDENTIFIES SERVICES OR RESOURCES NEEDED TO PROTECT CHILDREN AND

1 PRESERVE FAMILIES WITHIN THE COUNTY OR CITY AND COUNTY. SUCH REPORT
 2 SHALL BE SUBMITTED TO THE JOINT BUDGET COMMITTEE OF THE GENERAL
 3 ASSEMBLY, TO THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS
 4 COMMITTEES OF EACH HOUSE OF THE GENERAL ASSEMBLY, AND TO THE OFFICE
 5 OF THE GOVERNOR OF THE STATE OF COLORADO, WHICH SHALL DISTRIBUTE THE
 6 REPORT TO THE RELEVANT EXECUTIVE AGENCIES.

7 (3) IN ADDITION TO THE DUTIES PRESCRIBED IN SUBSECTION (2) OF THIS
 8 SECTION, EACH TASK FORCE CREATED PURSUANT TO SUBSECTION (1) OF THIS
 9 SECTION SHALL BE REQUIRED TO PREPARE A SEMIANNUAL REPORT SUMMARIZING
 10 THE STATEMENTS SUBMITTED BY THE CASEWORKERS OF THE DEPARTMENT OF
 11 SOCIAL SERVICES PURSUANT TO SECTION 19-3-507 (1). SUCH REPORT SHALL BE
 12 SUBMITTED ON OR BEFORE JANUARY 1, 1994, AND EACH SIX MONTHS THEREAFTER
 13 TO THE DIRECTOR OF THE DEPARTMENT OF SOCIAL SERVICES FOR THE COUNTY OR
 14 CITY AND COUNTY, THE GOVERNING BODY OF THE COUNTY OR CITY AND COUNTY,
 15 THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, AND THE OFFICE OF
 16 THE GOVERNOR OF THE STATE OF COLORADO, WHICH SHALL DISTRIBUTE THE
 17 REPORT TO THE RELEVANT EXECUTIVE AGENCIES. PRIOR TO THE SUBMISSION OF
 18 THE REPORT REQUIRED BY THIS SUBSECTION (3), THE TASK FORCE SHALL SUBMIT
 19 SUCH REPORT TO THE LOCAL COURT FOR REVIEW AND RECOMMENDATIONS. ANY
 20 RECOMMENDATIONS MADE BY THE LOCAL COURT SHALL BE SUBMITTED WITH THE
 21 REPORT. AS A PART OF PREPARING THE REPORT REQUIRED BY THIS SUBSECTION
 22 (3), THE TASK FORCE SHALL PERIODICALLY HOLD PUBLIC HEARINGS AND
 23 INTERVIEW CASEWORKERS AND OTHER KNOWLEDGEABLE PERSONS IN ORDER TO

1 GAIN A BETTER UNDERSTANDING OF WHAT SERVICES AND RESOURCES ARE
 2 NEEDED.

3 **19-3-210. Individual case plan - required.** AN INDIVIDUAL CASE PLAN,
 4 DEVELOPED WITH THE INPUT OR PARTICIPATION OF THE FAMILY, IS REQUIRED TO
 5 BE IN PLACE FOR ALL ABUSED AND NEGLECTED CHILDREN AND THE FAMILIES OF
 6 SUCH CHILDREN IN EACH CASE WHICH IS OPENED FOR THE PROVISION OF SERVICES
 7 BY THE STATE OF COLORADO BEYOND THE INVESTIGATION OF THE REPORT OF
 8 CHILD ABUSE OR NEGLECT, REGARDLESS OF WHETHER THE CHILD OR CHILDREN
 9 INVOLVED ARE PLACED OUT OF THE HOME.

10 **SECTION 5.** 19-3-401, Colorado Revised Statutes, 1986 Repl. Vol., as
 11 amended, is amended to read:

12 **19-3-401. Taking children into custody.** (1) A child may be taken into
 13 temporary custody by a law enforcement officer without order of the court:

14 (a) When the child is abandoned, lost, or seriously endangered in his
 15 SUCH CHILD'S surroundings or seriously endangers others and immediate removal
 16 appears to be necessary for his SUCH CHILD'S protection or the protection of others;

17 (b) When there are reasonable grounds to believe that he SUCH CHILD
 18 has run away or escaped from his SUCH CHILD'S parents, guardian, or legal
 19 custodian; or

20 (c) When an arrest warrant has been issued for his SUCH CHILD'S parent
 21 or guardian on the basis of an alleged violation of section 18-3-304, C.R.S. No
 22 child taken into temporary custody pursuant to this paragraph (c) shall be placed
 23 in detention or jail.

1 (1.5) AN EMERGENCY EXISTS AND A CHILD IS SERIOUSLY ENDANGERED
 2 AS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION WHENEVER
 3 THE SAFETY OR WELL-BEING OF A CHILD IS IMMEDIATELY AT ISSUE AND THERE IS
 4 NO OTHER REASONABLE WAY TO PROTECT THE CHILD WITHOUT REMOVING THE
 5 CHILD FROM THE CHILD'S HOME. IF SUCH AN EMERGENCY EXISTS, A CHILD SHALL
 6 BE REMOVED FROM SUCH CHILD'S HOME AND PLACED IN PROTECTIVE CUSTODY
 7 REGARDLESS OF WHETHER REASONABLE EFFORTS TO PRESERVE THE FAMILY HAVE
 8 BEEN MADE. WHEN AN EMERGENCY PLACEMENT DECISION IS MADE PURSUANT TO
 9 THIS SECTION, THE CASEWORKER ASSIGNED TO SUCH CASE SHALL SUBMIT TO THE
 10 COURT AND TO THE TASK FORCE FOR THE COUNTY OR CITY AND COUNTY CREATED
 11 PURSUANT TO SECTION 19-3-209 THE STATEMENT REQUIRED PURSUANT TO SECTION
 12 19-3-507 (1).

13 (2) The taking of a child into temporary custody under this section shall
 14 not be deemed an arrest, nor shall it constitute a police record.

15 SECTION 6. 19-3-403 (3.6), Colorado Revised Statutes, 1986 Repl.
 16 Vol., as amended, is amended to read:

17 19-3-403. Temporary custody - hearing - time limits - restriction.
 18 (3.6) At the hearing, information may be supplied to the court in the form of
 19 written or oral reports, affidavits, testimony, or other relevant information that the
 20 court may wish to receive. Any information having probative value may be
 21 received by the court, regardless of its admissibility under the Colorado rules of
 22 evidence. The court may consider and give preference to giving temporary custody
 23 to the child's grandparent who is appropriate, capable, willing, and available for

1 care if in the best interest of the child, and if the court finds that there is no
 2 suitable natural or adoptive parent available, with due diligence having been
 3 exercised in attempting to locate any such natural or adoptive parent. The court
 4 may place or continue custody with the county department of social services if the
 5 court is satisfied from the information presented at the hearing that such custody
 6 is appropriate and in the child's best interest, or the court may enter such other
 7 orders as are appropriate. THE COURT SHALL MAKE A FINDING THAT REASONABLE
 8 EFFORTS HAVE BEEN MADE TO PREVENT UNNECESSARY OUT-OF-HOME PLACEMENT,
 9 IF THE EVIDENCE SUPPORTS SUCH A FINDING. IN THE ALTERNATIVE, IF THE
 10 EVIDENCE SUPPORTS SUCH A FINDING, THE COURT SHALL MAKE A FINDING THAT
 11 THE CHILD IS SERIOUSLY ENDANGERED AND AN EMERGENCY SITUATION EXISTS
 12 WHICH MAKES IT REASONABLE NOT TO MAKE REASONABLE EFFORTS TO PREVENT
 13 THE REMOVAL OF SUCH CHILD.

14 SECTION 7. 19-3-502, Colorado Revised Statutes, 1986 Repl. Vol., as
 15 amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16 19-3-502. Petition form and content -limitations on claims in
 17 dependency or neglect actions. (2.5) THE PETITION IN EACH CASE WHERE
 18 REMOVAL OF A CHILD FROM THE HOME IS SOUGHT SHALL EITHER ALLEGE THAT
 19 REASONABLE EFFORTS TO PREVENT OUT-OF-HOME PLACEMENT WERE MADE AND
 20 SHALL SUMMARIZE SUCH EFFORTS OR, IF NO SERVICES TO PREVENT OUT-OF-HOME
 21 PLACEMENT WERE PROVIDED, THE PETITION SHALL CONTAIN AN EXPLANATION OF
 22 WHY SUCH SERVICES WERE NOT PROVIDED OR A DESCRIPTION OF THE EMERGENCY
 23 WHICH PRECLUDED THE USE OF SERVICES TO PREVENT OUT-OF-HOME PLACEMENT

1 OF THE CHILD. THE PETITION SHALL BE VERIFIED.

2 SECTION 8. 19-3-507 (1), Colorado Revised Statutes, 1986 Repl. Vol.,
3 as amended, is amended to read:

4 19-3-507. Dispositional hearing. (1) (a) After making an order of
5 adjudication, the court shall hear evidence on the question of the proper disposition
6 best serving the interests of the child and the public. Such evidence shall include,
7 but not necessarily be limited to, the social study and other reports as provided in
8 section 19-1-107.

9 (b) PRIOR TO ANY DISPOSITIONAL HEARING, THE CASEWORKER OF THE
10 DEPARTMENT OF SOCIAL SERVICES ASSIGNED TO THE CASE SHALL SUBMIT TO THE
11 COURT A STATEMENT WHICH DETAILS THE SERVICES WHICH WERE OFFERED TO OR
12 PROVIDED TO THE FAMILY TO PREVENT UNNECESSARY OUT-OF-HOME PLACEMENT
13 OF THE CHILD AND TO FACILITATE THE REUNIFICATION OF THE CHILD WITH THE
14 FAMILY. THE STATEMENT SHALL CONTAIN AN EXPLANATION OF THE SERVICES OR
15 ACTIONS WHICH, HAD SUCH SERVICES OR ACTIONS BEEN AVAILABLE, WOULD HAVE
16 BEEN NECESSARY TO ENABLE THE CHILD TO REMAIN AT HOME SAFELY. IN THE
17 ALTERNATIVE, THE CASEWORKER MAY SUBMIT A STATEMENT AS TO WHY NO
18 SERVICES OR ACTIONS WOULD HAVE MADE IT POSSIBLE FOR THE CHILD TO REMAIN
19 AT HOME SAFELY. A COPY OF SUCH STATEMENT, WITH THE NAMES AND OTHER
20 CONFIDENTIAL INFORMATION REMOVED, SHALL BE SUBMITTED TO THE TASK FORCE
21 ESTABLISHED PURSUANT TO SECTION 19-3-209.

22 SECTION 9. Appropriation. In addition to any other appropriation,
23 there is hereby appropriated, out of any moneys in the general fund not otherwise

1 appropriated, to the department of social services, for the fiscal year beginning July
2 1, 1993, the sum of _____ dollars (\$), or so much thereof as may be
3 necessary, for the implementation of this act.

4 SECTION 10. Effective date. This act shall take effect July 1, 1993.

5 SECTION 11. Safety clause. The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate preservation
7 of the public peace, health, and safety.

Family Issues Task Force

Family Preservation

26-5.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO FAMILY PRESERVATION ACT".

26-5.5-102. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) MAINTAINING A FAMILY STRUCTURE TO THE GREATEST DEGREE POSSIBLE IS ONE OF THE FUNDAMENTAL GOALS THAT ALL STATE AGENCIES MUST OBSERVE, AND THE STATE'S INTERVENTION IN FAMILY DYNAMICS SHOULD NOT EXCEED THAT WHICH IS NECESSARY TO RECTIFY THE CAUSE FOR INTERVENTION;

(b) OUT-OF-HOME PLACEMENT IS OFTEN THE MOST EXPENSIVE AND DISRUPTIVE METHOD OF PROVIDING SERVICES TO TROUBLED FAMILIES;

(c) IT IS BECOMING INCREASINGLY DIFFICULT TO ATTRACT FOSTER PARENTS FOR THE NUMBER OF CHILDREN PLACED OUT OF THE HOME;

(d) THE PRINCIPLE OF APPROPRIATE STATE INTERVENTION IS A CORNERSTONE OF FAMILY PRESERVATION SERVICES. SUCH SERVICES, WHEN PROPERLY TARGETED AND ADMINISTERED, PROVIDE STATES WITH AN OPPORTUNITY TO INITIATE THE SYSTEMIC REFORM OF CHILDREN, YOUTH, AND FAMILIES PUBLIC SERVICES BY PROVIDING SERVICES THAT ARE FAMILY-FOCUSED, OUTCOME-DRIVEN, AND COST-EFFICIENT;

(e) FAMILY PRESERVATION PROGRAMS IMPLEMENTED IN OTHER STATES, SUCH AS THE "HOMEBUILDER'S" MODEL IN THE STATE OF WASHINGTON, HAVE RESULTED IN IMPROVED FAMILY-FUNCTIONING RATES. PLACEMENT PREVENTION

101 CONCERNING THE IMPLEMENTATION OF A STATEWIDE FAMILY PRESERVATION
102 PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

A BILL FOR AN ACT

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the implementation of a statewide intensive family preservation program, such as the "homebuilder's" model from the state of Washington. Establishes program criteria and describes children, youth, and families served by such program. Requires that intensive services be provided for specified families upon implementation of this act and authorizes a phased-in implementation of non-intensive and reunification services based on cost-savings realized from providing intensive services as the alternative to placement out of the home. Sets forth the powers and duties of specified executive agencies in connection with the implementation of the program, including the state department of social services which is directed to be the single state agency responsible for the statewide administration of the program. Creates the family preservation commission, a local oversight entity, to ensure adequate implementation of the program and to evaluate program services and criteria and the overall feasibility of the program. Directs the state department of social services to submit a feasibility report to the general assembly by a specified date.

Makes an appropriation.

1 Be it enacted by the General Assembly of the State of Colorado:
2 SECTION 1. Article 5.5 of title 26, Colorado Revised Statutes, 1989
3 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH
4 AMENDMENTS, to read:

1 RATES OF UP TO EIGHTY-EIGHT PERCENT HAVE BEEN REPORTED IN SOME OF THE
2 THIRTY-ONE STATES THAT HAVE INITIATED SOME FORM OF A FAMILY
3 PRESERVATION PROGRAM;

4 (f) A STATEWIDE FAMILY PRESERVATION PROGRAM MAY BE FINANCED
5 TO PROVIDE INTENSIVE SERVICES FOR FAMILIES WHERE A CHILD IS IN IMMINENT
6 RISK OF BEING PLACED OUT OF THE HOME AND TO PROVIDE PHASED-IN SERVICES
7 AIMED AT REUNIFYING FAMILIES WHERE A CHILD HAS BEEN PLACED OUT OF THE
8 HOME, WHERE APPROPRIATE, BY REALLOCATING AVAILABLE RESOURCES AND
9 TAPPING INTO OTHER AVAILABLE FEDERAL FUNDS. WHEN THE MAXIMUM NUMBER
10 OF FAMILIES APPROPRIATE FOR INTENSIVE OR REUNIFICATION SERVICES HAVE BEEN
11 SERVED, PHASED-IN SERVICES FOR OTHER TROUBLED FAMILIES MAY BE FINANCED
12 WITH SAVINGS REALIZED FROM PROVIDING INTENSIVE FAMILY PRESERVATION
13 SERVICES TO AT-RISK FAMILIES AS THE ALTERNATIVE TO OUT-OF-HOME
14 PLACEMENTS; AND

15 (g) ON THE BASIS OF THE FOREGOING, IT IS APPROPRIATE TO ENACT THE
16 PROVISIONS OF THIS ARTICLE PROVIDING FOR THE IMPLEMENTATION OF A
17 STATEWIDE FAMILY PRESERVATION PROGRAM THAT PROVIDES FOR IMMEDIATE
18 INTENSIVE SERVICES FOR AT-RISK FAMILIES AND PHASED-IN SERVICES AIMED AT
19 REUNIFYING FAMILIES, WHERE APPROPRIATE, AND PHASED-IN SERVICES FOR OTHER
20 TROUBLED FAMILIES WHEN THE TARGETED FAMILIES FOR INTENSIVE OR
21 REUNIFICATION SERVICES HAVE BEEN SERVED.

22 (2) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE IMPLEMENTATION
23 AND FINANCING OF THE STATEWIDE FAMILY PRESERVATION PROGRAM BE

1 CONSISTENT WITH APPLICABLE FEDERAL MANDATES, INCLUDING ANY FEDERAL
2 FINANCIAL PARTICIPATION REQUIREMENTS, AND THAT THE IMPLEMENTATION OF
3 THE PROGRAM NOT PLACE THIS STATE AT RISK OF LOSING FEDERAL FUNDS
4 RECEIVED BY THE STATE FOR CHILDREN, YOUTH, AND FAMILIES SERVICES PRIOR
5 TO THE ENACTMENT OF THIS ARTICLE.

6 **26-5-5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "AT-RISK FAMILY" MEANS A FAMILY UNIT EXPERIENCING A CRISIS
9 SO EXTREME THAT AN OUT-OF-HOME PLACEMENT WITH THE DEPARTMENT OF
10 SOCIAL SERVICES WILL IMMINENTLY OCCUR WITHOUT THE PROVISION OF INTENSIVE
11 SERVICES DESCRIBED IN SECTION 26-5-5-104.

12 (2) "FAMILY PRESERVATION SERVICES" MEANS ASSISTANCE THAT
13 FOCUSES ON FAMILY STRENGTHS AND INCLUDES SERVICES THAT EMPOWER A
14 FAMILY BY PROVIDING ALTERNATIVE PROBLEM-SOLVING TECHNIQUES,
15 CHILD-REARING PRACTICES, AND RESPONSES TO LIVING SITUATIONS CREATING
16 STRESS UPON THE FAMILY AND INCLUDES RESOURCES THAT ARE AVAILABLE AS
17 SUPPORT SYSTEMS FOR THE FAMILY. FAMILY PRESERVATION SERVICES INCLUDE,
18 BUT ARE NOT LIMITED TO, SERVICES AND RESOURCES DESCRIBED IN SECTION
19 26-5-5-104.

20 (3) "INTENSIVE SERVICES" MEANS IMMEDIATE, SHORT-TERM,
21 CONCENTRATED, AND IN-HOME CRISIS INTERVENTION BY ONE OR MORE FAMILY
22 DEVELOPMENT SPECIALISTS, AS SUCH PERSONS ARE DESCRIBED IN SECTION
23 26-5-5-104 (4), CARRYING A LIMITED FAMILY CASELOAD, WHO ASSIST A FAMILY

1 IN DEVELOPING STRENGTHS IN COPING WITH FAMILY STRESS.

2 **26-5.5-104. Statewide family preservation program - creation - single**

3 **state agency designated - program criteria established - available services -**

4 **powers and duties of agencies - local oversight - feasibility report. (1) THE**

5 **EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, THROUGH THE PROMULGATION**

6 **OF RULES, SHALL DEVELOP A STATEWIDE FAMILY PRESERVATION PROGRAM, WHICH**

7 **PROGRAM SHALL BE FULLY IMPLEMENTED NO LATER THAN JULY 1, 1996. THE**

8 **STATE DEPARTMENT IS HEREBY DESIGNATED AS THE SINGLE STATE AGENCY TO**

9 **ADMINISTER THE PROGRAM IN ACCORDANCE WITH THIS ARTICLE AND APPLICABLE**

10 **FEDERAL LAW.**

11 (2) THE PROGRAM SHALL BE PHASED IN OVER A THREE-YEAR PERIOD,

12 AS FOLLOWS:

13 (a) NO LATER THAN JANUARY 1, 1994, INTENSIVE SERVICES SHALL,

14 WITHIN AVAILABLE APPROPRIATIONS, BE AVAILABLE FOR AT LEAST TWENTY-FIVE

15 PERCENT OF THE POPULATION OF AT-RISK FAMILIES; NO LATER THAN JULY 1,

16 1994, SUCH SERVICES SHALL, WITHIN AVAILABLE APPROPRIATIONS, BE AVAILABLE

17 TO FIFTY PERCENT OF SUCH POPULATION; NO LATER THAN JANUARY 1, 1995,

18 SUCH SERVICES SHALL, WITHIN AVAILABLE APPROPRIATIONS, BE AVAILABLE FOR

19 SEVENTY-FIVE PERCENT OF SUCH POPULATION; AND NO LATER THAN JULY 1,

20 1995, SUCH SERVICES SHALL, WITHIN AVAILABLE APPROPRIATIONS, BE AVAILABLE

21 FOR ONE HUNDRED PERCENT OF SUCH POPULATION;

22 (b) NO LATER THAN JANUARY 1, 1996, SERVICES AIMED AT

23 REUNIFICATION OF FAMILIES SHALL, WITHIN AVAILABLE APPROPRIATIONS, BE MADE

1 AVAILABLE TO APPROPRIATE FAMILIES, AS DETERMINED BY THE FAMILY

2 DEVELOPMENT SPECIALIST, WHERE A CHILD HAS BEEN PLACED OUT OF THE HOME;

3 (c) NO LATER THAN JULY 1, 1996, FAMILY PRESERVATION SERVICES

4 SHALL, WITHIN AVAILABLE APPROPRIATIONS, BE AVAILABLE TO APPROPRIATE

5 FAMILIES, AS DETERMINED BY THE FAMILY DEVELOPMENT SPECIALIST, WHO ARE

6 INVOLVED IN THE CHILD WELFARE, MENTAL HEALTH, AND JUVENILE JUSTICE

7 SYSTEMS.

8 (3) FAMILY PRESERVATION SERVICES SHALL, AT A MINIMUM, INCLUDE

9 THE FOLLOWING:

10 (a) SCREENING TO DETERMINE THE APPROPRIATENESS OF PROVIDING

11 FAMILY PRESERVATION SERVICES, INCLUDING INTENSIVE SERVICES AND

12 REUNIFICATION SERVICES, TO A FAMILY;

13 (b) AN ASSESSMENT OF THE RISK TO A CHILD AND THE NEEDS OF A

14 CHILD AND THE CHILD'S FAMILY, CONSIDERING ANY SPECIAL NEEDS OF A CHILD

15 AND THE CULTURAL BACKGROUND OF THE FAMILY;

16 (c) APPROPRIATE INTERVENTION TO MEET THE ASSESSED NEEDS OF THE

17 CHILD AND THE CHILD'S FAMILY, TAKING INTO ACCOUNT THE GEOGRAPHICAL

18 LOCATION OF THE FAMILY AND AVAILABLE RESOURCES IN SUCH LOCALE;

19 (d) REFERRAL TO COMMUNITY SERVICES AND SUPPORT SYSTEMS; AND

20 (e) FOLLOW-UP CARE, WHERE APPROPRIATE.

21 (4) (a) INTENSIVE SERVICES SHALL BE AVAILABLE FOR AT-RISK FAMILIES,

22 TO THE EXTENT POSSIBLE IN THE FAMILY HOME, FOR A PERIOD NOT TO EXCEED

23 FOUR WEEKS; EXCEPT THAT AN EXTENDED PERIOD OF UP TO TWO ADDITIONAL

1 WEEKS MAY BE PROVIDED AS DEEMED NECESSARY BY THE FAMILY DEVELOPMENT
2 SPECIALIST. SUCH SERVICES SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:
3 (I) FAMILY PRESERVATION SERVICES DESCRIBED IN SUBSECTION (3) OF
4 THIS SECTION; EXCEPT THAT THE SCREENING OF A FAMILY FOR INTENSIVE
5 SERVICES SHALL OCCUR WITHIN TWENTY-FOUR HOURS AFTER REFERRAL BY THE
6 INVESTIGATING OR PLACEMENT AGENCY TO DECIDE THE APPROPRIATENESS OF
7 PROVIDING INTENSIVE SERVICES TO THE FAMILY WHERE THE CHILD HAS BEEN
8 DETERMINED BY THE INVESTIGATING OR PLACEMENT AGENCY TO BE AT IMMINENT
9 RISK OF OUT-OF-HOME PLACEMENT;
10 (II) CRISIS INTERVENTION, INCLUDING IN-HOME COUNSELING, BY A
11 FAMILY DEVELOPMENT SPECIALIST, WHICH INTERVENTION SHALL BE AVAILABLE
12 ON A TWENTY-FOUR-HOUR BASIS;
13 (III) CONCENTRATED ASSISTANCE IN THE DEVELOPMENT AND
14 ENHANCEMENT OF PARENTING SKILLS, STRESS REDUCTION, AND PROBLEM-SOLVING
15 FROM A QUALIFIED MENTAL HEALTH PROFESSIONAL WHO SHALL CARRY A
16 CASELOAD CONSISTING OF NO MORE THAN TWO AT-RISK FAMILIES;
17 (IV) INDIVIDUALIZED AND GROUP COUNSELING.
18 (b) FOR THE PURPOSES OF THIS SECTION, "FAMILY DEVELOPMENT
19 SPECIALIST" MEANS A PERSON WHO MEETS THE QUALIFICATION CRITERIA AND
20 TRAINING STANDARDS WHICH THE EXECUTIVE DIRECTOR OF THE STATE
21 DEPARTMENT SHALL ESTABLISH THROUGH THE ADOPTION OF RULES.
22 (5) THE STATE DEPARTMENT MAY SEEK THE ASSISTANCE OF ANY PUBLIC
23 OR PRIVATE ENTITY IN CARRYING OUT THE DUTIES SET FORTH IN THIS ARTICLE.

1 IN ADDITION, THE STATE DEPARTMENT MAY CONTRACT WITH ANY PUBLIC OR
2 PRIVATE ENTITY IN PROVIDING THE SERVICES DESCRIBED IN THIS ARTICLE.
3 PRIORITY SHALL BE GIVEN TO VENDORS WHO PROVIDE THE MOST
4 GEOGRAPHICALLY AND CULTURALLY RELEVANT SERVICES.
5 (6) ON AND AFTER JULY 1, 1994, THE EXECUTIVE DIRECTOR OF THE
6 STATE DEPARTMENT SHALL ANNUALLY EVALUATE THE STATEWIDE FAMILY
7 PRESERVATION PROGRAM AND SHALL DETERMINE THE OVERALL EFFECTIVENESS
8 AND COST-EFFICIENCY OF THE PROGRAM. ON OR BEFORE THE FIRST DAY OF
9 OCTOBER OF EACH YEAR, THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT
10 SHALL REPORT SUCH FINDINGS AND SHALL MAKE RECOMMENDED CHANGES,
11 INCLUDING BUDGETARY CHANGES, TO THE PROGRAM TO THE GENERAL ASSEMBLY,
12 THE CHIEF JUSTICE OF THE SUPREME COURT, AND THE GOVERNOR. IN
13 EVALUATING THE PROGRAM, THE EXECUTIVE DIRECTOR OF THE STATE
14 DEPARTMENT SHALL CONSIDER ANY RECOMMENDATIONS MADE BY THE FAMILY
15 PRESERVATION COMMISSION IN ACCORDANCE WITH SECTION 26-5-106. TO THE
16 EXTENT CHANGES TO THE PROGRAM MAY BE MADE WITHOUT REQUIRING
17 STATUTORY AMENDMENT, THE EXECUTIVE DIRECTOR MAY IMPLEMENT SUCH
18 CHANGES, INCLUDING CHANGES RECOMMENDED BY THE COMMISSION ACTING IN
19 ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.
20 (7) THE FAMILY PRESERVATION COMMISSION, ESTABLISHED PURSUANT
21 TO SECTION 26-5-106, SHALL BE RESPONSIBLE FOR PROVIDING OVERSIGHT OF THE
22 LOCAL IMPLEMENTATION OF THE STATEWIDE FAMILY PRESERVATION PROGRAM.
23 IN PROVIDING OVERSIGHT, THE COMMISSION SHALL, ON AND AFTER JULY 1, 1994,

1 ANNUALLY EVALUATE THE OVERALL EFFECTIVENESS AND COST-EFFICIENCY OF THE
2 PROGRAM AND SHALL MAKE RECOMMENDED CHANGES TO THE EXECUTIVE
3 DIRECTOR OF THE STATE DEPARTMENT. THE COMMISSION SHALL SUBMIT TO THE
4 EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT A REPORT OF ITS FINDINGS ON
5 OR BEFORE THE FIRST DAY OF SEPTEMBER OF EACH YEAR.

6 **26-5.5-105. Family preservation fund - creation - financing of family**
7 **preservation program established.** (1) THERE IS HEREBY CREATED IN THE STATE
8 TREASURY A FUND TO BE KNOWN AS THE FAMILY PRESERVATION FUND, WHICH
9 SHALL BE ADMINISTERED BY THE EXECUTIVE DIRECTOR OF THE STATE
10 DEPARTMENT. THE MONEYS IN THE FUND SHALL BE USED FOR THE PHASED-IN
11 IMPLEMENTATION OF THE STATEWIDE FAMILY PRESERVATION PROGRAM IN
12 ACCORDANCE WITH SECTION 26-5.5-104.

13 (2) MONEYS IN THE FUND SHALL CONSIST OF THE FOLLOWING:
14 (a) ANY MONEYS RECEIVED FROM ANY PRIVATE SOURCES FOR FAMILY
15 PRESERVATION;
16 (b) A PORTION OF THE TOTAL MONEYS APPROPRIATED TO THE
17 DEPARTMENT OF SOCIAL SERVICES FOR OUT-OF-HOME PLACEMENTS WHICH
18 PORTION SHALL BE SET FORTH IN A BUDGET REQUEST PREPARED BY THE STATE
19 DEPARTMENT SPECIFYING THE AMOUNT OF FUNDS THAT ARE NECESSARY TO MEET
20 THE REQUIREMENTS OF SECTION 26-5.5-104 CONCERNING THE PHASED-IN
21 IMPLEMENTATION OF THE STATEWIDE FAMILY PRESERVATION PROGRAM;
22 (c) ANY OTHER AVAILABLE FEDERAL FUNDS THAT MAY BE USED FOR
23 FAMILY PRESERVATION SERVICES, WHICH THE STATE DEPARTMENT IS HEREBY

1 AUTHORIZED TO SEEK, PLUS ANY REQUIRED STATE MATCHING FUNDS; AND
2 (d) ANY MONEYS IN THE FAMILY PRESERVATION FUND CREATED BY
3 SECTION 26-5.5-104, AS SAID SECTION EXISTED PRIOR TO JULY 1, 1993.
4 (3) THE GENERAL ASSEMBLY MAY MAKE ANNUAL APPROPRIATIONS OUT
5 OF THE MONEYS IN THE FUND TO THE STATE DEPARTMENT FOR THE DIRECT AND
6 INDIRECT COSTS INCURRED IN ADMINISTERING THE PROVISIONS OF THIS ARTICLE.
7 (4) ANY MONEYS IN THE FUND NOT APPROPRIATED SHALL REMAIN IN
8 THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND
9 OF THE STATE AT THE END OF ANY FISCAL YEAR, AND ANY INTEREST GENERATED
10 OR EARNED SHALL BE CREDITED TO THE FUND. THE MONEYS CARRIED OVER IN
11 THE FUND SHALL BE USED IN THE NEXT FISCAL YEAR TO SERVE THE MAXIMUM
12 NUMBER OF FAMILIES APPROPRIATE FOR INTENSIVE SERVICES IN ACCORDANCE
13 WITH SECTION 26-5.5-104 (2) (a), AND FOR EACH FISCAL YEAR AFTER THE FISCAL
14 YEAR BEGINNING JULY 1, 1994, FOR INTENSIVE SERVICES AND THE PHASE-IN OF
15 REUNIFICATION AND EARLY INTERVENTION SERVICES IN ACCORDANCE WITH
16 SECTION 26-5.5-104 (2) (b) AND (c).
17 (5) THE GENERAL ASSEMBLY MAY FROM TIME TO TIME MAKE
18 APPROPRIATIONS FROM THE GENERAL FUND FOR USE IN CARRYING OUT THE
19 PURPOSES OF THIS ARTICLE.

20 **26-5.5-106. Family preservation commission - establishment or**
21 **designation - duties.** (1) THE GOVERNING BODY OF EACH COUNTY OR CITY AND
22 COUNTY SHALL ESTABLISH A FAMILY PRESERVATION COMMISSION FOR THE COUNTY
23 OR CITY AND COUNTY TO CARRY OUT THE DUTIES DESCRIBED IN SUBSECTION (2)

1 OF THIS SECTION. THE COMMISSION SHALL BE INTERDISCIPLINARY AND
2 MULTIAGENCY IN COMPOSITION. THE GOVERNING BODY MAY DESIGNATE AN
3 EXISTING BOARD OR GROUP TO ACT AS THE COMMISSION. A GROUP OF COUNTIES
4 MAY AGREE TO DESIGNATE A REGIONAL COMMISSION TO ACT COLLECTIVELY AS
5 THE COMMISSION FOR ALL OF SUCH COUNTIES.

6 (2) IT SHALL BE THE DUTY OF EACH COMMISSION ESTABLISHED OR
7 DESIGNATED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO HOLD PERIODIC
8 MEETINGS AND EVALUATE THE FAMILY PRESERVATION PROGRAM WITHIN THE
9 COUNTY OR CITY AND COUNTY, AND TO IDENTIFY ANY RECOMMENDED CHANGES
10 TO SUCH PROGRAM. ON AND AFTER JULY 1, 1994, THE COMMISSION SHALL
11 SUBMIT AN ANNUAL REPORT TO THE EXECUTIVE DIRECTOR OF THE STATE
12 DEPARTMENT. THE REPORT SHALL CONSIST OF AN EVALUATION OF THE OVERALL
13 EFFECTIVENESS AND COST-EFFICIENCY OF THE PROGRAM AND ANY RECOMMENDED
14 CHANGES TO SUCH PROGRAM. THE REPORT SHALL BE SUBMITTED ON OR BEFORE
15 THE FIRST DAY OF SEPTEMBER OF EACH YEAR.

16 **SECTION 2. Appropriation.** In addition to any other appropriation,
17 there is hereby appropriated, out of any moneys in the family preservation fund not
18 otherwise appropriated, to the state department of social services, for the fiscal
19 year beginning July 1, 1993, the sum of _____ dollars (\$ _____), or so
20 much thereof as may be necessary, for the implementation of this act.

21 **SECTION 3. Effective date.** This act shall take effect July 1, 1993.

BY REPRESENTATIVE Fleming

A BILL FOR AN ACT

CONCERNING ORDERS OF MARITAL MAINTENANCE.

101

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the court to grant a maintenance order in a dissolution of marriage for either spouse if it considers and finds that the spouse seeking maintenance lacks the earning capacity or sufficient property or both to provide for the reasonable needs of that spouse based upon the standard of living during the marriage. Directs the court to consider and find, if there are children of the marriage, that the spouse seeking maintenance is the custodian of a child whose condition or circumstances make it inappropriate for the custodian to be required to seek employment outside the home and to consider whether employment outside the home by the spouse seeking maintenance was the practice established during the marriage. Directs the court to consider the financial and parenting responsibilities of the spouse providing maintenance. Conforms the statute on maintenance to be consistent with the statute governing declaration of invalidity which allows for maintenance awards.

Adds additional criteria for the court to consider in awarding maintenance, including the extent to which the spouse seeking maintenance contributed to the education, training, career position, or license of the other spouse, the impact on the children if such spouse seeks employment, tax consequences, the legal obligations of each spouse for the care and support of the children, and the impact of periods of unemployment upon earning capacity due to family responsibilities. Directs the court to make factual findings as to the standard of living during the marriage.

Allows the court to grant maintenance for the following purposes: Standard of living maintenance, training or educational maintenance, reimbursement maintenance, or equitable maintenance.

Removes the unconscionability portion of the standard for modification of a maintenance decree.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 14-10-114, Colorado Revised Statutes, 1987 Repl. Vol.,

is amended to read:

14-10-114. Maintenance. (1) In a proceeding for dissolution of marriage, ~~or~~ legal separation, OR DECLARATION OF INVALIDITY or a proceeding for maintenance following dissolution of marriage by a court, the court ~~may~~ SHALL grant a maintenance order for either spouse ~~only~~ if it CONSIDERS AND finds THE FOLLOWING:

(a) That the spouse seeking maintenance

~~(a)~~ lacks THE EARNING CAPACITY OR sufficient property OR BOTH, including marital property apportioned to him OR HER to provide for ~~his~~ THE reasonable needs ~~and~~

~~(b) Is unable to support himself through appropriate employment or~~ OF THAT SPOUSE, AND, FOR THE PURPOSES OF THIS SECTION, REASONABLE NEEDS SHALL BE BASED UPON THE STANDARD OF LIVING ESTABLISHED DURING THE

MARRIAGE AND SHALL BE DESIGNED TO MAINTAIN THE STANDARD OF LIVING OF

BOTH PARTIES TAKING INTO CONSIDERATION THE LENGTH OF THE MARRIAGE AND

THAT THERE IS LESS MONEY AVAILABLE FOR OTHER USES AFTER PAYING THE

COSTS OF MAINTAINING TWO HOUSEHOLDS; AND

(b) IF THERE ARE CHILDREN OF THE MARRIAGE, THAT THE SPOUSE

SEEKING MAINTENANCE is the custodian of a child whose condition or

circumstances make it appropriate that the custodian not be required to seek

1 employment outside the home, AND, IN ADDITION, THE COURT SHALL CONSIDER
2 AND MAKE A FINDING ABOUT WHETHER EMPLOYMENT OUTSIDE OF THE HOME OF
3 SUCH SPOUSE WAS NOT THE PRACTICE ESTABLISHED DURING THE MARRIAGE IN
4 ORDER FOR THE SPOUSE TO BE AT HOME WITH YOUNG CHILDREN; AND
5 (c) THAT THE FINANCIAL AND PARENTING RESPONSIBILITIES OF THE
6 SPOUSE PROVIDING MAINTENANCE HAVE BEEN CONSIDERED.
7 (2) The maintenance order shall be in such amounts and for such periods
8 of time as the court deems just, without regard to marital misconduct, and after
9 considering all relevant factors including:
10 (a) The financial resources AND OBLIGATIONS of the party seeking
11 maintenance, including marital property apportioned to him, and his ability to meet
12 his needs independently, including the extent to which a provision for support of
13 a child living with the party includes a sum for that party as custodian EACH
14 SPOUSE, INCLUDING EACH SPOUSE'S EARNING CAPACITY AND OTHER SOURCES OF
15 INCOME;
16 (b) The time necessary to acquire sufficient education or training to
17 enable the party seeking maintenance to find appropriate employment and that
18 party's future earning capacity;
19 (c) The standard of living established during the marriage;
20 (d) The duration of the marriage;
21 (e) The age and the physical and emotional PSYCHOLOGICAL condition
22 of the EACH spouse; seeking maintenance; and
23 (f) The ability of the spouse from whom maintenance is sought to meet
his or her needs AND OBLIGATIONS while meeting those of the spouse seeking
maintenance;
(g) THE EXTENT TO WHICH THE SPOUSE SEEKING MAINTENANCE
CONTRIBUTED TO THE ATTAINMENT OF AN EDUCATION, TRAINING, A CAREER
POSITION, OR A PROFESSIONAL LICENSE BY THE OTHER SPOUSE;
(h) THE EXTENT TO WHICH THE SPOUSE SEEKING MAINTENANCE CAN
ENGAGE IN GAINFUL EMPLOYMENT WITHOUT DETRIMENT TO THE INTERESTS OF
MINOR CHILDREN IN THE CUSTODY OF THE SPOUSE SEEKING MAINTENANCE;
(i) THE IMMEDIATE AND SPECIFIC TAX CONSEQUENCES TO EACH SPOUSE
IF SUCH TAX CONSEQUENCES ARE PROPERLY PRESENTED TO THE COURT;
(j) THE TOTAL AMOUNT OF THE CHILD SUPPORT OBLIGATION OF EACH
SPOUSE AS CALCULATED PURSUANT TO SECTION 14-10-115;
(k) THE TIME AND EXPENSE REQUIRED FOR THE SPOUSE SEEKING
MAINTENANCE TO ACQUIRE THE APPROPRIATE EDUCATION OR TRAINING TO
DEVELOP SKILLS ENABLING APPROPRIATE EMPLOYMENT;
(l) THE EXTENT TO WHICH THE PRESENT OR FUTURE EARNING CAPACITY
OF THE SPOUSE SEEKING MAINTENANCE IS IMPAIRED BY PERIODS OF
UNEMPLOYMENT THAT WERE INCURRED DURING THE MARRIAGE FOR THE PURPOSE
OF PERMITTING THAT SPOUSE TO DEVOTE TIME TO FAMILY DUTIES; AND
(m) ANY OTHER FACTORS WHICH THE COURT DEEMS JUST AND
EQUITABLE.
(3) IN EVALUATING THE EARNING CAPACITY OF THE SPOUSE SEEKING
MAINTENANCE, THE COURT SHALL CONSIDER THE ABILITY OF SUCH SPOUSE TO

1 EARN INCOME BASED UPON SUCH SPOUSE'S SKILLS, AGE, EMPLOYMENT HISTORY, TRAINING OR EDUCATION FOR EMPLOYMENT;
2 AND THE EMPLOYMENT MARKET. (c) REIMBURSEMENT MAINTENANCE WHICH EITHER:
3 (4) THE COURT SHALL MAKE SPECIFIC FACTUAL FINDINGS WITH RESPECT (i) REPAYS THE SUPPORTING SPOUSE FOR HIS OR HER SUPPORT WHILE
4 TO THE STANDARD OF LIVING DURING THE MARRIAGE AND THE EARNING CAPACITY THE OTHER SPOUSE RECEIVED TRAINING OR AN EDUCATION; OR
5 OF THE SPOUSE SEEKING MAINTENANCE, AND, AT THE REQUEST OF EITHER SPOUSE, (ii) REPAYS THE SPOUSE WHO SUFFERED LOST OR REDUCED EARNING
6 THE COURT SHALL MAKE APPROPRIATE FACTUAL FINDINGS WITH RESPECT TO ANY CAPACITY AS A RESULT OF ACCEPTING A SPECIFIC ROLE IN THE MARRIAGE SUCH
7 OTHER RELEVANT CIRCUMSTANCES. AS STAYING HOME TO CARE FOR CHILDREN OR MAKING CAREER SACRIFICES OR
8 (5) IF A COURT ORDERS A SPOUSE TO MAKE MAINTENANCE PAYMENTS CHANGES IN ORDER TO BENEFIT THE OTHER SPOUSE'S CAREER OR TRAINING;
9 FOR A CONTINGENT PERIOD OF TIME UNTIL AN EVENT OCCURS, WHEN THE (d) EQUITABLE MAINTENANCE WHICH MAY BE AWARDED BASED ON ANY
10 CONTINGENT PERIOD OF TIME HAS BEEN COMPLETED, THE SPOUSE WITH OTHER CAUSE OR CIRCUMSTANCE JUSTIFYING THE AWARD OF MAINTENANCE.
11 KNOWLEDGE OF SUCH EVENT SHALL PROMPTLY GIVE WRITTEN NOTICE THEREOF SECTION 2. 14-10-122 (1)(a), Colorado Revised Statutes, 1987 Repl.
12 TO THE OTHER SPOUSE OR TO THAT SPOUSE'S ATTORNEY OF RECORD. Vol., as amended, is amended to read:
13 (6) MAINTENANCE PROVIDED BY ONE SPOUSE TO THE OTHER MAY BE 14-10-122. Modification and termination of provisions for
14 GRANTED FOR ANY OF THE FOLLOWING PURPOSES OR COMBINATION OF PURPOSES: maintenance, support, and property disposition. (1) (a) Except as otherwise
15 (a) STANDARD OF LIVING MAINTENANCE WHICH SHALL BE DESIGNED TO provided in section 14-10-112 (6), the provisions of any decree respecting
16 MAINTAIN THE STANDARD OF LIVING OF BOTH PARTIES TAKING INTO maintenance may be modified only as to installments accruing subsequent to the
17 CONSIDERATION THE LENGTH OF THE MARRIAGE AND THAT THERE IS LESS MONEY motion for modification and only upon a showing of changed circumstances ee
18 AVAILABLE FOR OTHER USES AFTER PAYING THE COSTS OF MAINTAINING TWO THAT ARE SUBSTANTIAL AND CONTINUING, AS TO MAKE THE TERMS UNREASONABLE, AND THE
19 HOUSEHOLDS. THERE SHALL BE A REBUTTABLE PRESUMPTION THAT A PERMANENT provisions of any decree respecting child support may be modified only as to
20 STANDARD OF LIVING MAINTENANCE AWARD SHALL BE MADE IN MARRIAGES OF installments accruing subsequent to the filing of the motion for modification and
21 LONG DURATION. only upon a showing of changed circumstances that are substantial and continuing
22 (b) TRAINING OR EDUCATIONAL MAINTENANCE WHICH SHALL BE PAID or on the ground that the order does not contain a provision regarding medical
23 FOR EDUCATIONAL EXPENSES FOR A SPECIFIED TIME TO ALLOW A SPOUSE TO GAIN support, such as insurance coverage, payment for medical insurance deductibles

1 and copayments, or unreimbursed medical expenses. The provisions as to property
2 disposition may not be revoked or modified unless the court finds the existence of
3 conditions that justify the reopening of a judgment.

4 **SECTION 3. Effective date - applicability.** This act shall take effect
5 July 1, 1993. Section 1 of this act shall apply to orders of maintenance entered in
6 cases filed on or after said date.

7 **SECTION 4. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate preservation
9 of the public peace, health, and safety.

Task Force on Family Issues

HOUSE JOINT RESOLUTION 93-

1 WHEREAS, The Colorado General Assembly declares that the
2 family is the basic structural unit of society and that issues
3 affecting the family are important to the future of the United
4 States and the state of Colorado; and

5 WHEREAS, The General Assembly created the Task Force on
6 Family Issues to comprehensively study and research family
7 issues and to develop recommendations of ways to improve and
8 strengthen families within this state; and

9 WHEREAS, The Task Force on Family Issues, through careful
10 study of the selection and training of child abuse workers,
11 concluded that the ability of child protection workers to
12 implement existing laws in the area of child abuse screening
13 and investigation would be enhanced by more adequate
14 professional preparation; now, therefore,

15 Be It Resolved by the House of Representatives of the
16 Fifty-ninth General Assembly of the State of Colorado, the
17 Senate concurring herein:

18 That the Colorado General Assembly hereby urges the
19 Colorado Commission on Higher Education to encourage
20 universities and colleges in the state of Colorado to provide
21 pro bono custody evaluations as part of their curriculum to
22 train social workers, therapists, and psychologists.

23 Be It Further Resolved, That the Colorado Commission on
24 Higher Education support the accreditation of a Bachelor of
25 Social Work program in the universities and colleges in the
26 state of Colorado.

27 Be It Further Resolved, That a copy of this resolution be
28 sent to the Colorado Commission on Higher Education.

BY SENATOR Mendez

JOINT RESOLUTION 2

1 CONCERNING RECOMMENDATIONS TO THE DEPARTMENT OF SOCIAL
2 SERVICES REGARDING THE CHILD PROTECTION SYSTEM.

3 WHEREAS, The family is the basic structural unit of
4 society and the foundation of our cities and communities, and
5 issues affecting the family are important to the future of the
6 United States and the state of Colorado; and

7 WHEREAS, The Colorado General Assembly created the Task
8 Force on Family Issues in order to comprehensively study and
9 research family issues and to develop recommendations to
10 improve and strengthen families within the state of Colorado;
11 and

12 WHEREAS, The Task Force on Family Issues studied and
13 addressed issues regarding visitation, child abuse screening
14 and investigation, the selection and training of child abuse
15 workers, and the provision of additional and enhanced training
16 to those groups that impact the treatment of child abuse
17 victims and perpetrators; and

18 WHEREAS, The Task Force on Family Issues recommended that
19 additional or enhanced training aimed at increasing the
20 knowledge and skill of foster parents, social services
21 caseworkers and supervisors, and guardians ad litem be made
22 available; that the forms and formats for child abuse
23 investigations be standardized; that forums or fairs be held
24 in order to compile a directory of available state resources
25 and services; that uniform statewide policies and standards be
26 developed in supervised visitation settings; and that
27 supervised visitation centers be developed which meet the
28 needs of low-income clients; and

29 WHEREAS, The Task Force on Family Issues developed
30 recommendations which encompass both legislative, judicial,
31 and executive responses to issues affecting the family; now,
32 therefore,

1 Be It Resolved by the Senate of the Fifty-ninth General
2 Assembly of the State of Colorado, the House of
3 Representatives concurring herein:

4 That we, the members of the Colorado General Assembly,
5 hereby urge the executive director of the department of social
6 services to do the following:

7 (1) Encourage the development of uniform statewide
8 policies, standards, and training to meet the needs of
9 children and families in supervised visitation settings;

10 (2) Encourage initial and ongoing competency-based
11 training of all child welfare caseworkers by doing the
12 following: Expanding the training that is currently offered
13 and coordinating training plans with those plans proposed by
14 other agencies and divisions; requiring statewide
15 twenty-eight-day training sessions for all entry-level child
16 protective services workers who do not possess a bachelor of
17 social work degree and twenty-one-day training sessions for
18 those that do possess such a degree; establishing a five-day
19 base training and evaluation package for all entry-level
20 workers prior to their assuming a caseload; establishing
21 competency-based evaluations and criteria for all such
22 evaluations as a basis for review; designating a portion of
23 the department's budget to develop, test, and implement all
24 competency-based training and testing of caseworkers and
25 supervisors; establishing the goal that the hiring procedures
26 for all child protective services caseworkers include
27 systematic evaluations of applicants' abilities to meet the
28 National Association of Social Work's standards for social
29 work practice in child protection, including caseload
30 standards; and requiring that pre-service training include an
31 internship experience in child protective services;

32 (3) Promote ongoing competency-based training and
33 evaluation of child welfare supervisors, including
34 documentation of weekly supervision of employees, by requiring
35 supervisors to identify problem areas, remedial steps taken,
36 and measurable means of determining whether the performance of
37 employees has improved at three-, six-, and nine-month
38 intervals and requiring that supervisors meet established
39 norms of performance on competency-based measures, with
40 failure resulting in suspension from supervisory
41 responsibilities;

42 (4) Increase the required six hours of pre-certification
43 training for foster parents and require ongoing training, and
44 establish joint training of foster parents, child welfare
45 workers, and guardians ad litem on specific treatment issues
46 and provide foster parents access to the child's medical
47 information;

1 (5) Establish common forms and formats for child abuse
2 reports for use throughout the state, provide counties with an
3 effective computer-based training program to facilitate common
4 practice, develop a uniform statement to inform persons under
5 investigation for child abuse of their rights and to explain
6 all aspects of the investigative process, and encourage
7 inter-county collaboration on investigations of institutional
8 abuse;

9 (6) Request that newly formed family resource centers
10 address the critical community need for supervised visitation
11 centers for low-income clients;

12 (7) Convene forums and "resource fairs" in order to
13 bring public and private professionals together to plan,
14 problem-solve, and educate providers about available services
15 thereby facilitating the conduct of ongoing needs assessments
16 and the compilation of a resource directory.

17 Be It Further Resolved, That a copy of this resolution be
18 transmitted to the executive director of the department of
19 social services of the state of Colorado.

Task Force on Family Issues

JOINT RESOLUTION 3

1 WHEREAS, The Colorado General Assembly declares that the
2 family is the basic structural unit of society, the foundation
3 of our cities and communities, and that issues affecting the
4 family are important to the future of the United States and
5 the state of Colorado; and

6 WHEREAS, The General Assembly recognizes that the state
7 of Colorado is at a critical time in its history and that the
8 state must begin to support families in a bold and new way,
9 finding innovative solutions to problems and enlisting and
10 coordinating cooperation among public and private entities;
11 and

12 WHEREAS, The General Assembly created the Task Force on
13 Family Issues and authorized the use of subcommittees to
14 comprehensively study and research family issues and to
15 develop recommendations of ways to improve and strengthen
16 families within this state; and

17 WHEREAS, The Task Force on Family Issues, through careful
18 study and research of the availability and effectiveness of
19 treatment programs for child abusers and victims, concluded
20 that the best and most cost-effective program for the
21 treatment of child abuse is to adopt and implement an
22 aggressive, statewide prevention program; and

23 WHEREAS, The state possesses the knowledge and
24 educational system to equip its children with the skills
25 needed to function successfully in adult society; and

26 WHEREAS, The Task Force on Family Issues, convinced that
27 educational programs can play an important role in the
28 prevention of child abuse, recommends that opportunities to
29 learn basic survival skills be made available to all Colorado
30 school children to provide them with the tools they need to
31 live productive, healthy adult lives; now, therefore,

1 Be It Resolved by the House of Representatives of the
2 Fifty-ninth General Assembly of the State of Colorado, the
3 Senate concurring herein:

4 That the Colorado General Assembly hereby urges the
5 Commissioner of Education and the Department of Education to
6 encourage and support the inclusion of courses on child
7 development, parenting skills, and family dynamics, including
8 how to recognize and report incidents of abuse and neglect,
9 into the kindergarten through grade twelve classroom
10 curriculum of the Colorado public school system.

11 Be It Further Resolved, That a copy of this resolution be
12 sent to the Colorado Commissioner of Education and to the
13 state Department of Education.

17

BY SENATOR Mendez

JOINT RESOLUTION 4

1 CONCERNING RECOMMENDATIONS TO THE CHIEF JUSTICE OF THE
2 COLORADO SUPREME COURT REGARDING FAMILY ISSUES.

3 WHEREAS, The family is the basic structural unit of
4 society and the foundation of our cities and communities, and
5 issues affecting the family are important to the future of the
6 United States and the state of Colorado; and

7 WHEREAS, The Colorado General Assembly created the Task
8 Force on Family Issues in order to comprehensively study and
9 research family issues and to develop recommendations to
10 improve and strengthen families within the state of Colorado;
11 and

12 WHEREAS, The Task Force on Family Issues studied and
13 addressed issues regarding child custody evaluations,
14 visitation and supervised visitation, the need for
15 improvements to the guardian ad litem process in order to
16 improve its effectiveness and lessen its cost, and the need to
17 lessen the cost of court proceedings to those involved; and

18 WHEREAS, The Task Force on Family Issues recommended that
19 certain procedures of the court system be reformed in order to
20 improve the efficiency of court proceedings, including the
21 implementation of a statewide one family-one judge case
22 assignment system in regard to proceedings involving family
23 issues, that specific training be given to judges and
24 attorneys in order to convey the psychological effects of
25 separation and divorce on both children and adults as well as
26 in order to improve their understanding of family issues and
27 relationships, that an expedited visitation enforcement
28 program be implemented, and that supervised visitation centers
29 be developed which meet the needs of low-income clients; and

30 WHEREAS, The Task Force on Family Issues, through careful
31 study and research, developed recommendations which encompass
32 both legislative, judicial, and executive responses to issues
33 affecting the family; now, therefore,

1 Be It Resolved by the Senate of the Fifty-ninth General
2 Assembly of the State of Colorado, the House of
3 Representatives concurring herein:

4 That we, the members of the Colorado General Assembly,
5 hereby urge the chief justice of the Colorado Supreme Court to
6 do the following:

7 (1) Establish a registration system for guardians ad
8 litem which includes training and accountability standards and
9 provides for an increase in the hourly rates for guardians ad
10 litem that meet such registration standards and establish
11 practice standards which ensure that judges and attorneys are
12 assuming independent responsibility to ensure that reasonable
13 efforts are made in each dependency and neglect case;

14 (2) Encourage the training of judges, attorneys, and
15 guardians ad litem on the psychological and emotional effects
16 of separation and divorce on children and adults and the
17 multidisciplinary training of judges and attorneys who handle
18 child and family issues on humanities, interpersonal
19 relations, and problem solving, such as the dynamics of family
20 relationships, domestic violence, and child development;

21 (3) Request a plan from each judicial district for the
22 development of an expedited visitation enforcement program
23 when an agreement or court order exists, such as a special
24 masters program to enforce visitation agreements within seven
25 days of violation and to respond to other emergencies
26 surrounding visitation;

27 (4) Enact court rules to implement a statewide one
28 family-one judge case assignment system for family issues
29 cases, such as cases concerning the Colorado Children's Code,
30 the Uniform Parentage Act, relinquishment and adoption,
31 support, the Uniform Dissolution of Marriage Act, the Uniform
32 Child Custody Jurisdiction Act, the Revised Uniform Reciprocal
33 Enforcement of Support Act, issuance and enforcement of
34 restraining orders to prevent domestic abuse, the Interstate
35 Compact on Juveniles, placement and treatment of children who
36 are mentally ill or developmentally disabled, or a minor's
37 consent to medical care and surgical procedures;

38 (5) Reform court procedures to provide for judicial
39 orientation and training; docket rotation; time limits for
40 case processing; efficient record keeping; the encouragement
41 of voluntary mediation; statewide availability of low-cost
42 custody evaluations, sliding scale fees, and standardized fees
43 and services; and special attention to the speedy resolution
44 of non-contested family issues matters and pro se litigants.

45 Be It Further Resolved, That a copy of this resolution be
46 transmitted to the chief justice of the Colorado Supreme Court

1 and each justice serving on the Colorado Supreme Court.

LLS NO. @93 0101/1

Task Force on Family Issues

JOINT RESOLUTION 5

1 WHEREAS, The Colorado General Assembly declares that the
2 family is the basic structural unit of society, the foundation
3 of our cities and communities, and that issues affecting the
4 family are important to the future of the United States and
5 the state of Colorado; and

6 WHEREAS, The General Assembly recognizes that the state
7 of Colorado is at a critical time in its history and that the
8 state must begin to support families in a bold and new way,
9 finding innovative solutions to problems and enlisting and
10 coordinating cooperation among public and private entities;
11 and

12 WHEREAS, The General Assembly created the Task Force on
13 Family Issues and authorized the use of subcommittees to
14 comprehensively study and research family issues and to
15 develop recommendations of ways to improve and strengthen
16 families within this state; and

17 WHEREAS, The Task Force on Family Issues, through careful
18 study and research, concluded and reported that the best
19 program for the treatment of child abuse is to adopt and
20 implement an aggressive, statewide prevention program, and
21 further concluded and reported that there is a need to
22 provide free supervised visitation services to indigent
23 clients in child custody cases where such supervised
24 visitation is ordered; now, therefore,

25 Be It Resolved by the House of Representatives of the
26 Fifty-ninth General Assembly of the State of Colorado, the
27 Senate concurring herein:

28 That the Colorado General Assembly hereby urges the
29 County Commissioners of the sixty-three counties in the state
30 of Colorado to encourage programs and activities to prevent
31 child abuse by establishing family resource centers and
32 prenatal health care and support groups.

1 Be It Further Resolved, That the County Commissioners
2 encourage the leaders of public and private agencies in each
3 community to explore alternatives to meeting the need for
4 providing free supervised visitation services to indigent
5 clients.

6 Be It Further Resolved, That copies of this Resolution be
7 sent to the County Commissioners of the sixty-three counties
8 in the state of Colorado.